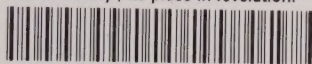


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DEUTERONOMY  
ITS PLACE IN REVELATION



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# DEUTERONOMY

## ITS PLACE IN REVELATION

BY

A. H. MCNEILE, D.D.

FELLOW AND DEAN OF SIDNEY SUSSEX COLLEGE, CAMBRIDGE  
EXAMINING CHAPLAIN TO THE BISHOP OF OXFORD

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## PREFACE

THE book of Deuteronomy occupies an important place in the history of Hebrew religious thought, which is the history of the progressive self-revelation of Jehovah. Those who are unacquainted with Hebrew, or who lack the time or opportunity to study commentaries, may find it helpful to have before them a simple study of the subject, free, for the most part, from technicalities, and entirely free from novel theories or speculations. The results presented in this little volume are those which have received the assent of the great majority of modern Hebrew scholars. Unfortunately, however, it is still necessary not only to state these results, but to defend them against some writers who continue to cling, in the face of evidence, to the Mosaic authorship of the book. The most recent of these is the Rev. J. S. Griffiths, who has issued a volume entitled *The Problem of Deuteronomy*, published in 1911 by the S.P.C.K. His arguments are largely based upon those in Dr. Orr's work, *The Problem of the Old Testament*. My object in criticizing Mr. Griffiths' contentions has not been to deal with them *seriatim*, but only to bring important facts more clearly to light, which can sometimes be done

by reference to an opponent. The reader will see that Mr. Griffiths has attempted the impossible. His book contains so large a number of inaccuracies, and of arguments confidently based upon them, that its appearance under the auspices of a great and useful Society is a matter of regret.

I owe warm thanks to the Rev. Canon Driver, D.D., Regius Professor of Hebrew at Oxford, both for contributing a foreword to the volume, and for reading the proofs and making several valuable suggestions.

My earnest hope is that these pages may lead some to a more intimate knowledge, and a deeper appreciation, of one of the choicest products of Israel's prophetic genius, the inspired work of an unknown servant of God.

A. H. MCNEILE.

CAMBRIDGE,

*May 1, 1912.*



## FOREWORD

I HAVE great pleasure in commending this book to readers interested in the Old Testament. It is the work of a competent and accomplished scholar; it is eminently readable; and though small in size, and unpretentious, it is full of valuable and instructive matter. Deuteronomy is at once an important and an extremely attractive book: it impresses the reader not less by its eloquence and its power than by its warm spirituality and moral glow. Dr. McNeile's volume contains a lucid exposition of the contents and scope of Deuteronomy, and of the place taken by it in the history of revelation. Its relation to the other books of the Pentateuch, to the earlier historical books (Joshua-Kings), and to the prophets, is ably exhibited; the grounds for the date assigned to it by modern critics are clearly stated; and the arguments adduced on the other side are shewn, as the result of a careful and patient examination, to be in all cases insufficient, and in some cases to rest upon amazing misconceptions of matters of fact. The Old Testament contains the record of a *progressive* revelation: if, therefore, the course of this revelation is to be properly understood, it is essential that the different parts of

the Old Testament should be viewed in their true historical perspective. Dr. McNeile's volume will, I feel sure, enable many readers not only to understand what the part taken historically by Deuteronomy was, but also to appreciate, more fully than they did before, the aim and teaching of that unique book.

S. R. DRIVER.

CHRIST CHURCH, OXFORD,

*May 1, 1912.*

# CONTENTS

CHAP.		PAGE
	INTRODUCTION . . . . .	1
I.	THE CONTENTS OF DEUTERONOMY . . . . .	12
II.	THE TEACHING OF DEUTERONOMY . . . . .	17
III.	THE DISCOVERY OF DEUTERONOMY AND ITS IN- FLUENCE . . . . .	32
IV.	DEUTERONOMY AND MOSES . . . . .	38
V.	THE LAWS IN DEUTERONOMY AND OTHER ISRAELITE CODES . . . . .	54
VI.	THE STYLE OF DEUTERONOMY . . . . .	90

## APPENDIX

I.	THE LITERARY RELATION OF DEUTERONOMY TO THE PRE-EXILIC PROPHETS . . . . .	107
II. A.—	THE “SONG OF MOSES” (Deut. xxxii.) . . . . .	124
B.—	THE “BLESSING OF MOSES” (Deut. xxxiii.) . . . . .	128
	INDEX . . . . .	132







# DEUTERONOMY: ITS PLACE IN REVELATION

## INTRODUCTION

IF Deuteronomy, or any book of the Bible, is part of the Word of God, anyone who has not studied it as carefully as he is able has not rendered to God that which is His due. But when the Bible is so studied, it presents, like any other work of God, many problems which the honour due to Him demands that we shall explain, not explain away. There are some who still think that they are honouring Him by opening their Bible with a presupposition that His Word, though spoken or written by men, must be free from all human limitations, mistakes, or discrepancies. That they are honest in their conviction is not open to doubt. But it is a humbler, and therefore safer, method to open the Bible with a single desire to find out what is there. And if, when various passages are compared, discrepancies and difficulties are discovered, we can better shew our loving trust in God by *deducing* His methods of revelation from the facts, than by trying to make the facts suit our ideas of what His methods ought

to have been. Modern Biblical criticism is not an attempt to destroy ; it is a humble study of facts, which has, indeed, destroyed a good many preconceptions, but has, on the other hand, solved a great number of difficulties which used to hurt and perplex thoughtful minds. It has *learnt*, instead of presupposing, the nature of Inspiration.

The book of Deuteronomy bristles with problems, which it is a dishonour to God to ignore, problems connected with Israelite legislation, history, and religion. Our task must be to find the true place which it held in the life of the chosen people. The results reached in these pages are those on which the great majority of critical students of the Old Testament are agreed. An army of workers has for many years been investigating the Hebrew writings, and, as regards the Pentateuch and Joshua, has arrived at the following main conclusions.

During the early ages of the history of Israel there was being formed a mass of traditions, legends, laws, and customs, which were, for the most part, not fixed in writing, but handed down by word of mouth through successive generations. Some portions may have been committed to writing from time to time, but if so, these portions *in their earliest written form* have not come down to us. We know them only in the form in which they were collected and issued by writers from the eighth century and onwards, *i.e.* from the time of Amos and Hosea, Isaiah and Micah. That is to say, Hebrew literature *as we have it* begins at the

period when the Northern Kingdom was on the verge of collapse. The two earliest known collections of more ancient material were made by editors who were imbued with the lofty religious beliefs of the eighth century prophets; so that these collections took the form of *religious* compositions; they were compiled with a religious object, and breathe from beginning to end the religious spirit of ethical Monotheism. Owing to their tendency, in speaking of God, to prefer respectively the names *Jehovah* and *Elohim*, they have long been described by critical writers as the *Jehovistic* and *Elohistic* writings, and are cited by the symbols J and E. After the Northern Kingdom fell, many of the Northerners, who must previously have moved into Judah in order to escape destruction or exile at the hands of the Assyrians, lived in Judah, and were in possession of their Northern collection, *i.e.* E. But it must have been apparent that its contents were to a large extent parallel with those of the Southern collection, J; and it was not long before an amalgamation became necessary. Now if a modern historian had to undertake such a work, his method would be to sift and arrange the contents of the two writings, and then to write a continuous account in his own words, clearly stating his sources, and whenever he quoted from them indicating the fact by inverted commas or otherwise. But the ancient historians did their work for the most part by the simple method of fitting together, as in a mosaic, various portions of their sources, with occasional editorial additions.

By this method the editor who amalgamated J and E produced a composite work, which critics cite as JE. Its *materials* belonged to very different dates; but the writing, as we have it, should probably be assigned to the beginning of the seventh century. It is at this point that the author of Deuteronomy, and other writers imbued with his spirit (cited as D), take their place in the history. But we shall return to them later.

Besides the laws and customs embodied in JE, there had been gradually growing up another collection of laws and customs. The priests of Israel had from the earliest days been the religious officials who guarded the sanctuaries, and there gave oracular answers from God, and superintended sacrificial acts. The *minutiæ* of ritual and oracle were handed down orally from priest to priest. Priestly customs and regulations were, in early days, seldom or never committed to writing. Of all Israelite sanctuaries—and there were many—the Temple at Jerusalem became by far the most famous, and the priests attached to it gained a prestige above that of any other priests. Their sacrificial and other customs would gradually grow in number as the years went by, and while some might be retained almost intact from primitive days, others would undergo considerable alteration. At the time, therefore, that Jerusalem was sacked by the Chaldeans in 586 B.C., there must have existed a large unwritten *corpus* of priestly rules. But when the priests were carried into exile, and their rules of ritual, &c., could



no longer be perpetuated in daily practice, the necessity was at once felt of preserving these rules by committing them to writing. And so there was gradually compiled a sort of *directorium sacerdotale*. The earliest form of this is contained mainly in Lev. xvii.-xxvi.; and owing to the emphasis which it lays on the sanctity or "holiness" of Jehovah and Israel and sacred things, critics have named this group of laws the "Holiness code," and they cite it by the symbol H. But the process went on after the return from exile, many priestly regulations being added to the collection from time to time. Not only so, but priestly writers took the earlier popular traditions, &c., of JE, together with the work of the Deuteronomist and other writers of his spirit, and worked them up in combination with the strictly priestly regulations into a systematic account of the chosen people, tracing their descent from the first human pair, emphasizing their covenant relationship with God in the stories of Noah and the patriarchs, and, by an almost poetic idealization of the past, ascribing nearly the whole complex of ecclesiastical ritual and custom of their own age to the commands of the national lawgiver Moses. The priestly writings exhibit a very distinctive literary style. This, and the ecclesiastical spirit which pervades them, have enabled critics, with almost complete unanimity, to distinguish the priestly elements from the rest of the Pentateuch and Joshua. These elements, whether laws, narratives, or other material, they cite by the symbol P. The Pentateuch and Joshua are treated together, because

it has been found that the *six* books contain a combination of the same writings, JEDP; and the term "Hexateuch" has been coined to describe them. If this sketch rightly represents the history of P, it will be seen that some of the regulations preserved in it from pre-exilic usage must have been of ancient date: some, indeed, have the appearance of being exceedingly primitive.<sup>1</sup> Others, as clearly, shew signs of late development; they reflect conditions later than those under which the laws of JE and (as will be seen) of Deuteronomy were evolved. But whether early or late, the *literary form* in which they were embodied is distinctive; P *as written* must be assigned to the exile and after.

For a study of the facts which lead to these conclusions, the reader should refer to Driver, *Introduction to the Literature of the Old Testament* (often cited as *LOT*, now in its 8th edition); Carpenter and Battersby, *The Composition of the Hexateuch* (1902); or, in a shorter and simpler form, Box, *Short Introduction to the Literature of the Old Testament* (1909); Chapman, *Introduction to the Pentateuch* (1911, uniform with the volumes of the *Camb. Bible for Schools*).

The position occupied by Deuteronomy has been indicated above. The main results which will emerge

<sup>1</sup> That P contains early as well as late elements has consistently been maintained by critics, since the time when Wellhausen published his epoch-making *Geschichte* in 1878 (see the Eng. Transl., pp. 366, 404) e.g. W. Rob. Smith (*OTJC*, 1st ed. 1881, pp. 383 ff.), Kuenen (*Hexateuch*, Engl. Transl. 1886, pp. 272 f., 287), Stade (*Geschichte*, 1887, ii. pp. 64-67), Driver (*Introd. to Lit. of O.T.*, 1st ed. 1891, p. 135). See fuller particulars in Burney, *Expositor*, Feb. 1912, pp. 97-108.

from our study of it are as follows: (1) It was written by someone who lived at a period when religious minds were bent upon one great object—the purifying of the moral and religious life of Israel from corruptions and accretions with which contact with pagan life had spoilt it (see pp. 32–35). (2) The laws of conduct and worship which it contains are, on the one hand, a repetition, expansion, and modification, of the earlier laws codified in JE; on the other hand they represent an earlier stage than that of the codification of the priestly laws in P: they thus stand midway between the two. And this is further borne out by the relation in which, as will be seen, Deuteronomy stands to the writings of the prophets (see pp. 17–21; 54–89). (3) The literary style of the book is very distinctive; it possesses a marked individuality, which finds its closest parallels in the prose portions of Jeremiah, and in parts of Joshua, Judges, 1 Samuel and 1, 2 Kings (see pp. 36, 37; 93–106; 115–119).

These facts lead to the conclusion that it was neither written nor edited by Moses, nor was it intended to record, in the discourses ascribed to him, his *ipsissima verba*. They suggest that it was the principal product, and an inspiring force, of a religious movement which flourished in Judah at the end of the seventh and the beginning of the sixth century B.C.

In the armoury of anti-critical writers no weapon is more often used than the argument that the disagreements of critics invalidate their position. Until critics are agreed amongst themselves, they cry, we

can safely adhere to the traditional views. This weapon has long ago been blunted by indiscriminate use; but some still flourish it with unimpaired confidence. And in doing so, they often class together all who differ from them under the abstract term "criticism," and speak as though critical arguments were all of exactly equal value, and all worth nothing. Of course, where the subject-matter presents minute and varied *data*, some of them may be estimated differently by different critics; but on all broad conclusions there is a remarkable consensus of opinion. Every critical deduction must be examined on its merits. The whole medical faculty might be sharply divided as to the best method of healing a particular malady, while they were unanimous and emphatic in rejecting a treatment which was in vogue a century ago. "Criticism" is unanimous and emphatic as to the overwhelming force of the reasons which make the Mosaic authorship of Deuteronomy impossible, but individual critics differ as to its exact date, some being impressed by the phenomena which seem to point to the reign of Manasseh, others by those which seem to point to that of Josiah.

On opening our book to see what we find there, we read in i. 1: "These be the words which Moses spake unto all Israel beyond Jordan," &c. Moses is here spoken of *in the third person*, and this continues till the end of v. 5. The same thing occurs in iv. 41-43: "Then Moses separated three cities beyond Jordan," &c. iv. 44-49: "This is the Torah which Moses set



before the children of Israel," &c. v. 1*a*: "And Moses called unto all Israel and said unto them." xxvii. 1: "And Moses and the elders of Israel commanded the people, saying." v. 9: "And Moses and the priests the Levites spake unto all Israel, saying." v. 11: "And Moses charged the people the same day, saying." xxix. 1: "These are the words of the covenant which Jehovah commanded Moses to make with the children of Israel," &c. xxxi. 1, 2*a*: "And Moses went and spake these words unto all Israel. And he said unto them." vv. 9, 10*a*: "And Moses wrote this law, and delivered it, &c. And Moses commanded them saying." vv. 14-23*a*: God's charge to Moses to appoint Joshua as his successor, and Moses' obedience. vv. 24, 25: "And it came to pass when Moses had made an end of writing," &c. v. 30: "And Moses spake in the ears of all the assembly of Israel," &c. xxxii. 44, 45: "And Moses came and spake," &c. vv. 48-52: God's command to Moses to go up to Mt. Nebo, xxxiii. 1: "And this is the blessing where-with Moses, the man of God, blessed the children of Israel before his death. And he said." xxxiv.: Moses' death; his burial by God; the mourning for him; the wisdom of his successor; "there hath not arisen a prophet since in Israel like unto Moses," &c.

Of these passages, four (iv. 41-43; xxxi. 14-23*a*; xxxii. 48-52; xxxiv.) are historical notices, and the remainder refer to discourses, &c., ascribed to Moses. To these may be added a few archæological notes, in which Moses is not mentioned: ii. 10-12, on the

Emim and the Horites; ii. 20-23, on the Zamzummim, the Horites and the Avvim; iii. 9, on Hermon; iii. 11, on Og's bedstead or sarcophagus; iii. 14, on the capture of Argob or Bashan by Jair.

Clearly, therefore, the author, whoever he was, purports to give a description, in the third person, of what Moses did and said. It is not impossible, of course, that Moses might himself have employed the third person; but it cannot be maintained that he *must* have employed it, or that passages in which it occurs could only have been written by him. The terms used admit of the supposition, if it is supported by other evidence, that an historian or editor other than Moses put the discourses into a narrative framework, adding occasional notes. Caesar in his *Commentaries* uses the third person; but there is plenty of evidence which points to him as the author; in the case of Deuteronomy a mass of evidence is against, and not for, the Mosaic authorship. The fact that Deuteronomy was *edited* is conceded by many who maintain the Mosaic authorship of the book as a whole. A remarkable feature in the works of such writers is the realization that concessions to criticism must be made,<sup>1</sup> together with the refusal to admit conclusions which they involve. That the editing of Deuteronomy was performed under the immediate supervision of Moses is not suggested by one single word in the whole Bible. Obviously ch. xxxiv. was not controlled by

<sup>1</sup> See, e.g., the *Interpreter*, April 1908, p. 254, where Dr. Peake collects some concessions made by Dr. Orr in his *Problem of the O.T.*

him; and v. 10 implies some lapse of time after his death. But if an editing of Deuteronomy is admitted, and if the book is nevertheless inspired, all editorial work in the Old Testament may be inspired. The only question is, how much liberty an editor in ancient times allowed himself. Was his inspired activity confined to framework and archæological notes, or did it extend much further? In the case of Deuteronomy there is abundant evidence, as will be seen in the following pages, for thinking that the editor was one who took some of the early narratives in Exodus and Numbers, some of the early laws in Exodus, not a few of them in the altered shape which they had acquired during the course of Israelite life, and some other laws which had, probably before his date, gained recognition by custom, and made them the "text" of a sermon to his nation. The greater part of his material he arranged as three discourses placed in the mouth of Moses. The injunctions and exhortations are therefore clothed (so to speak) in a dress suitable to the time when Moses and the Israelites had arrived at the steppes of Moab, immediately before the crossing of the Jordan; but their spirit and principles belonged to the time of the writer. Deuteronomy thus contains three elements—the *text* of the sermon, *i.e.* the history and the laws, the *form*, *i.e.* the Mosaic discourses, and the *spirit* of the reforming prophet, the actual writer, which constitutes the real essence of the book.

## CHAPTER I

### THE CONTENTS OF DEUTERONOMY

THE introductory chapter has summed up by anticipation the results to be reached. But the first requisite for the study of a book is a grasp of its contents as a whole. It is difficult to exaggerate the harm that is done to the intellectual appreciation of the Bible by the tendency to treat it as a collection of separate verses, any one of which can be cut out and considered by itself, though for purely devotional study this may be a useful and legitimate method. Regarding Deuteronomy as a "sermon," we can see that the writer's thoughts, in the main body of the book, move in three steps.

(A) i.-iv. 43. The sermon opens by an exhortation to Israel to shew to God the love and gratitude which are owing to Him for His kindness and care in the past.

(B) iv. 44-xxviii. The writer bids them shew their love and gratitude in a practical form by keeping His commandments—(a) first and foremost the commandments of the Decalogue, (b) and then also other commandments bearing on their duty to God and to their neighbour in daily life.

(C) xxix., xxx. The paramount importance of keeping His commandments is driven home by renewed promises, warnings, and exhortations.

## A

i. 1-5. The writer's *Introduction*, stating the time and place at which the following discourse was delivered.

i. 6-iv. 40. *Opening Exhortation* (or the first Mosaic discourse).

(a) i. 6-iii. God's kindness shewn in the past. A sketch of Israel's history from their stay at Horeb till their arrival at Moab; God's protection of them, in spite of their frequent murmurings and rebellions, through the desert wanderings and past the territories of hostile nations.

(b) iv. 1-40. An appeal based on this, urging Israel to shew their gratitude to God by keeping His commandments and teaching them to their children, and to remember what they learnt at Horeb about His Nature and Will, and especially His spirituality.

[iv. 41-43. A parenthetical note, stating that Moses separated three cities in the trans-Jordanic territory to be an asylum for the man-slayer.]<sup>1</sup>

## B

iv. 44-49. The writer's *Introduction* to the second discourse, stating, as before, the time and place.

<sup>1</sup> In xix. 1-13 this is commanded by God as a duty still to be performed. The writer of iv. 41-43 (whether the author of the book or another) was anxious to record that Moses did separate the cities, and thought that this point, between two discourses, was a convenient one at which to insert his note.

v.-xxviii. The *main body of the sermon* (or the second Mosaic discourse).

(a) v.-xi. The commandments of the Decalogue are recorded, and then the full import of the first two of them is drawn out, the writer shewing how their overwhelming importance as the basis of the covenant was guaranteed by the majesty of the Theophany at Horeb.

(b) xii.-xxvi. A hortatory discourse, earnestly commending the observance of a series of "statutes and judgments." (See xii. 1, xxvi. 16).

[xxvii. A miscellaneous collection of five notes: vv. 1-4, 8; vv. 5-7; vv. 9, 10; vv. 11-13; vv. 14-26.]<sup>1</sup>

(c) xxviii. The Peroration, declaring the blessings and curses which will follow obedience and disobedience to the laws.

[xxix. 1 (Heb. xxviii. 69). A note referring to the foregoing laws.]

## C

xxix. 2 (1)—xxx. A *supplementary exhortation* (or the third Mosaic discourse).

(a) xxix. 2 (1)—29 (28). An appeal to Israel to respond to God's past kindness by obeying the terms of the covenant, enforced by warnings of the awful results of disobedience.

<sup>1</sup> They seriously interrupt the discourse, and were perhaps originally intended to follow ch. xxviii., but were accidentally misplaced.



(b) xxx. 1-10. A promise that even if the curses, contained in ch. xxviii., have been inflicted for disobedience, restoration can be won by repentance.

(c) xxx. 11-20. God's commandment, plainly declared to Israel, is familiar to their mouth and heart; and they must now make their choice between life and good, death and evil.

The "sermon" is followed (in chs. xxxi.-xxxiv.) by an

#### APPENDIX

This contains a series of short sections, for the most part unconnected, but suitable, in form, to the close of Moses' life.

xxxi. 1-8. Moses encourages Joshua and the people to enter Canaan.

9-13. He entrusts to the priests the commandments just enjoined, instructing them to read them publicly every year at the Feast of Booths.

14, 15. Moses and Joshua present themselves before the Tent.<sup>1</sup>

16-22. God commands Moses to write a song, to be a witness against Israel when they sin.

23. A fragment of narrative relating Joshua's commission.

<sup>1</sup> This is apparently but a fragment of a narrative. Another fragment bearing on Joshua's commission is given in *v.* 23.

24-29. Moses bids the Levites to preserve  
"this book of the Law" by the side of the ark,  
to be a witness against Israel when they sin.

30-xxxii. 44. The Song of Moses, with  
accompanying notices (see pp. 124-128).

xxxii. 45-47. An exhortation to keep the Law.

48-52. Moses is bidden to ascend Mt. Nebo,  
where he must die.

xxxiii. The Blessing of Moses (see pp. 128-131).

xxxiv. Moses' death.

## CHAPTER II

### THE TEACHING OF DEUTERONOMY

IN the early stages of a people's life the principal standard of ethics is *custom*—family, tribal, or national. *Religion* is concerned mainly with observances, practised in order to win or to keep the favour of the Deity. Israel made an enormous advance when she unified Ethics and Religion—in other words, when she began to conceive of Jehovah, the national God, as a Moral Being, One who desired not ritual only but righteousness. It was the work of the prophets to complete this unification. But a corollary followed from it, which was drawn in all its completeness by Amos, the earliest prophet whose writings we possess. He taught that since Jehovah was a Moral Being, cruelty (for example) was displeasing to Him, and He must punish it. But cruelty is cruelty all the world over. Therefore (as he declares in i.-ii. 3), Jehovah must punish any nation that is guilty of cruelty. But this means that He is concerned with, and has power over, other nations than Israel. The thought, that is to say, of Jehovah as a Moral Being involves the thought of a God of all the earth. Ethics and Monotheism are as the obverse and reverse of theology.

Hosea added a new feature, when he proclaimed

that Jehovah *loved* Israel with a feeling analogous to the tender, passionate love of the prophet to his sinful bride.

Isaiah<sup>1</sup> and Micah followed with a vehement emphasis on the truth that Jehovah demanded social righteousness. Isaiah further employed all the tumultuous force of his poetic genius to depict the transcendent power and majesty of "Jehovah of Hosts." Step by step the spiritual outlook of the prophets advanced in widening circles.

When Jeremiah appeared, he taught yet another truth. He was able, for the first time, to touch the great problem of the One and the Many. The solidarity of Israel was an article of belief, not stated by any prophet in so many words, only because it was the underlying postulate of all their thoughts. And the man in the street was always apt to draw from it the conclusion that since Jehovah loved Israel, the sins of individuals could not affect that love. He was bound to protect them because they were Israelites. His Presence dwelt in their Temple; and it was therefore inconceivable that the Chaldean armies could ever capture Jerusalem. And conversely, since the solidarity of the race extended to successive generations, children suffered for the sins of their fathers; and this being God's method of justice, it might also be man's, and children might be judicially punished for the sins of their fathers. The conclusions were obvious, but they were wrong, because they disre-

<sup>1</sup> Most of chs. i.-xxxvi. (the chief exceptions being xiii. 1-xiv. 23, xxi. 1-10, xxiv.-xxvii., xxxiv., xxxv.) and xxxvii. 22-32.

garded half the truth. This half was taught by Jeremiah—*i.e.* the individual responsibility of every man in God's sight: "Every one shall die for his own iniquity" (xxxi. 30). And hence all the souls in Judah if they sinned would die.

Ezekiel, Jeremiah's contemporary, echoed this teaching. But he attempted, at the same time, a synthesis of individualism and solidarity. He realised a truth which the earlier prophets, in their longing for a spiritual morality, had allowed to fall into the background—*i.e.* that the highest religion cannot entirely dispense with externals. Men are souls, but they possess bodies. Hence the necessity of outward acts and outward organization for a full religious self-expression. So Ezekiel drew ideal pictures of an organized Church with its officers and ritual. These pictures are subject, indeed, to the limitations of the age in which he wrote, reflecting a strict particularism which narrowly confined the organized Body to the "House of Israel." And yet in their underlying ideal they foreshadowed, as no other prophetic writing had done, the sacramental life of the Christian Church.

Having thus sketched the gradual advance of Hebrew thought in the highest minds of the nation during three centuries, we ask how does the teaching of Deuteronomy stand in relation to it? And we find that it contains all the principal features of the development up to, and including, the teaching of Jeremiah, and that it anticipates, in an earlier and simpler form, the distinctive contribution of Ezekiel. Thus, without regard to its relation to other parts of

the Pentateuch, which will be studied later, the probability suggests itself at the outset that Deuteronomy belongs to a period in, or near, Jeremiah's lifetime. This must now be shewn in detail by a study of the teaching of the book in its two main aspects—Ethics and Religion.

### 1. THE ETHICS OF DEUTERONOMY

This exhibits, broadly speaking, two features: (*a*) on the one hand are enjoined Justice, Equity, Integrity; (*b*) on the other, Philanthropy, Generosity, Kindness.

(*a*) The principles of justice assert themselves over a wide field, affecting both the nation and the family. Judges and officers are to be appointed in every city (xvi. 18), and they are to judge with justice, refusing bribes (xvi. 18–20, xxiv. 17, xxvii. 19, 25). Some injunctions with regard to judicial procedure are given for their guidance. Not less than two witnesses can establish a charge against a defendant (xvii. 6, 7, xix. 15). Each man is to be executed for his own crime, not the fathers for the children, nor the children for the fathers (xxiv. 16). In the punishment of bastinado not more than forty stripes may be inflicted (xxv. 1–3). Cases which are too difficult for the local priests to decide are to be referred to the Levitical priests at the one sanctuary (xvii. 8–13). The particular case of the discovery of a murdered man when the murderer cannot be traced was beyond the power either of judges or priests; and the procedure for the atonement of innocent blood is laid down (xxi. 1–9). The sanctity of human life is safeguarded by the commandment,



"Thou shalt not murder" (v. 17), and by the assignment of death, without the possibility of asylum, as the punishment of murder (xix. 11-13); also by the prohibition of man-stealing with the same penalty (xxiv. 7). On the other hand, the primitive practice of blood-revenge is moderated by the provision of cities of asylum for the man-slayer in cases of accidental homicide (xix. 1-10). False witness is forbidden (v. 20), and made liable to the same penalty as the defendant would have suffered if found guilty (xix. 16-21).

Next to the rights of the person are the rights of property, which are strenuously upheld. Stealing in general is forbidden (v. 19); and also the following particular forms of it: to remove a neighbour's landmark (xix. 14, xxvii. 17); to withhold the wages of a hired servant (xxiv. 14, 15); to carry away from another's vineyard or cornfield more than can be eaten on the spot (xxiii. 24, 25); to use divers weights and measures, a great and a small (xxv. 13-16); to retain lost property, instead of restoring it carefully to its owner (xxii. 1-3); and even covetously to desire what belongs to another (v. 21).

Besides these laws dealing with civic justice and equity, there are some concerned with integrity in sexual relations and family life. Adultery is forbidden (v. 18), and made punishable with death (xxii. 22). The death penalty is also attached to the crime of assaulting a betrothed maiden<sup>1</sup> (xxii. 25-27), and to

<sup>1</sup> According to Hebrew ideas betrothal was not merely a promise to marry, but the first stage of marriage.

fornication (xxii. 20 f., 23 f.). For assaulting an unbetrothed maiden, the penalty is a payment of fifty silver shekels as compensation to her father (xxii. 28 f.); for a false accusation of incontinence, it is a payment of a hundred silver shekels to the father, and corporal chastisement (xxii. 13-19). An impure manual act on the part of a woman is punishable by mutilation of the hand (xxv. 11). Incest is forbidden (xxii. 30 [Heb. xxiii. 1], xxvii. 20, 22, 23), and bestiality (xxvii. 21). Under this head come also rules which regulate the practice of divorce (xxiv. 1-4), and enjoin the duty of levirate marriage (xxv. 5-10). The duty of father to son is insisted on in the injunction to preserve impartially the right of the firstborn (xxi. 15-17). Conversely the filial duty of children to their parents is commanded (v. 16); dishonour to them is cursed (xxvii. 16); and a flagrant violation of the duty is punishable with death (xxi. 18-21).

(b) The other aspect, the inculcation of kindness and mutual consideration, plays an even larger part. This feature is not absent from the laws in Exodus; but in Deuteronomy it is paramount. The writer is never weary of pleading for kindness to the *poor*. A Hebrew poor man is to be helped by loan and gift with single-hearted liberality (xv. 7-11). The classes of poor that are most frequently mentioned comprise the Levites, who are poor because they possess no landed property (see pp. 77-79), sojourners (*gērīm*),<sup>1</sup> orphans, and widows.

<sup>1</sup> The *gēr* was a man of another country, who, coming to sojourn in Canaan, put himself under the protection of the Israelites. In A.V., R.V. "stranger" (as in the Decalogue)—a misleading rendering.

All these are to receive the benefits of the entire tithe every third year (xiv. 28 f., xxvi. 12 f.), and to share in the feasting at the Festival of Weeks (xvi. 11), and the Festival of Booths (xvi. 14). The Levites are to be allowed to join in any regular, or voluntary, sacrificial feast at the one sanctuary (xii. 12, 18), including the eating of the tithe at the sanctuary in the other two years (xiv. 22-27); the care of them is a standing injunction (xii. 19); and their official rights are safeguarded (xviii. 1-8). The Levite and the sojourner are to share in the firstfruits (xxvi. 11). For the sojourner, the orphan, and the widow, a special act of kindness is commanded: they are to be allowed to glean the leavings of corn, olives, and grapes, which must not be gathered in with excessive completeness (xxiv. 19-22). And the sojourner is to be loved, because God loves him (x. 18, 19).

*Debtors* form another class of poor. Debts of Hebrews must be remitted every seventh year (xv. 1 f.). Hebrews must not be subjected to usury (xxiii. 19, 20). A creditor must not take a mill or upper millstone as a pledge (xxiv. 6); he must not enter a house to seize a pledge by force (xxiv. 10, 11); and if the pledge be a poor man's cloak, it must be returned to him before night (xxiv. 12, 13).

*Slaves* are to be well treated. Hebrew male slaves must receive manumission after seven years' service, and be dismissed with liberal gifts; but a slave who loves his master may bind himself perpetually if he will (xv. 12-18). Slaves, male and female, are to share in the Sabbath rest (v. 14), in the tithe eaten at the

sanctuary (xiv. 26, "thine household"), and in the feasting at the Festival of Weeks (xvi. 11) and the Festival of Booths (xvi. 14). A slave escaped from his master is not to be given up to him (xxiii. 15, 16).

Even *enemies* are to receive consideration. On approaching to attack a city, the Israelite armies are first to offer an opportunity of making peace (xx. 10, 11); and the wanton destruction of fruit trees in a hostile territory is forbidden (xx. 19, 20). A woman captured in war, whom her captor desires to take for a wife, must be allowed to mourn her parents for a month. If after treating her as a wife he dislikes her, she must be given her freedom (xxi. 10-14).

Lastly, kindness to *animals* is to form part of a true morality. Beasts of burden are to share in the Sabbath rest (v. 14); and they are to be helped to their feet when they have fallen to the ground (xxii. 4). The ox is not to be muzzled while threshing (xxv. 4). Eggs or nestlings may be taken; but a grown bird, accustomed to a life of freedom, must not be kept in captivity (xxii. 6, 7).<sup>1</sup>

To these laws of kindness other injunctions may be added which shew a humanitarian spirit. The stringent requirements of military service are to be relaxed in certain cases (xx. 5-9, xxiv. 5). The barbarous custom of blood-revenge is kept within narrow limits by the appointment of cities of asylum as a provision for cases of accidental homicide (xix. 1-10). Housetops are to be provided with battlements as a precaution against danger (xxii. 8).

<sup>1</sup> If that be the true meaning. See, however, Driver's note.

If this ethical teaching is compared with that of the prophets of the eighth century, it will be seen that the demands for social justice are broadly the same, but the humanitarian injunctions are almost entirely new: they breathe a new spirit, and mark a distinct advance. Love has been added to duty, sympathy to rectitude; not only the will but also the emotions are to play their part. "Mercy and truth are met together; righteousness and peace have kissed each other."

## 2. THE RELIGIOUS TEACHING OF DEUTERONOMY

From ethics to religion the writer's thoughts run on without a break. Be just, be kind, he teaches, not because that is the conduct demanded by human custom, but in order to render to the One and Only God such obedient fear and grateful love as is due from the one and only nation on whom He has lavished His care.

The religious teaching of the book revolves round two *foci*—the Oneness of Jehovah and the Uniqueness of Israel. As regards the former truth the writer ranges himself with Amos and Isaiah; as regards the latter, with Hosea and Ezekiel. And nearly every portion of his message is the resultant of the combined forces of Monotheism and Particularism. Any command or prohibition that arises from the one arises from the other. It is this which gives the book its organic unity of thought.

The *Oneness of Jehovah* is stated explicitly in vi. 4, the classical expression of the national belief, called in later times, from its opening word, "the *Shema*." It

is also taught in iv. 39, and implied in the description of His transcendent majesty in x. 14, 17, xxxiii. 26.

The *Uniqueness of Israel* in God's sight is stated explicitly in vii. 6-8, x. 15, xiv. 2, xxvi. 18, 19, xxviii. 9, 10, xxxii. 6, 9. But the truth is contained also in all the historical retrospects in chs. i.-iv., vii. 18-19, viii. 2-4, 14-16, ix. 6-x. 11, xi. 2-7, xxvi. 5-9, xxix. 2-6 [1-5], xxxii. 10-14, in which God's wonderful love to Israel is passed in review, in the frequent incidental references to the Exodus from Egypt, and in all the passages which speak of a "covenant" between Jehovah and Israel. This thought of God's *love* was the priceless heritage bequeathed by Hosea. It is the highest factor in the monotheistic belief of the prophets, who found the guarantee for their certainty that God is One in their certainty that God is Moral.

Under the combined influence of these two primary convictions, the Oneness of Jehovah and the Uniqueness of Israel, the writer draws out his manifold religious teaching. He speaks of Jehovah's "jealousy" (iv. 24, v. 9, vi. 15, xxix. 20, xxxii. 16, 21). And this is two-sided. He is jealous alike for His own honour and for His people's. Israel must therefore defend both of them, negatively by precautions, and positively by love to God and to men.

The *negative* precautions are as follows. Primarily they must acknowledge no other God but Jehovah (iv. 19, v. 7, vi. 14, vii. 4, 16, viii. 19, xi. 16, 28, xii. 29-31, xiii. 1-18, xvii. 2-7, xxix. 18, 26, xxx. 17, 18, xxxi. 16, 20; cf. xxxii. 15-18). They must repudiate and destroy all images (iv. 15-18, 23, v. 8, 9,



vii. 5, 25, 26, xii. 2, 3, xvi. 21, 22, xxvii. 15; *cf.* ix. 12-16), and annihilate the Canaanites with their idolatrous practices (vii. 1-4, 22-25, xviii. 9-14, xx. 16-18, xxxi. 3-5; and see xiv. 1, xxiii. 17, 18).

Another precaution, which is one of the most distinctive features in Deuteronomy, is the confining of sacrificial acts to one national sanctuary. This sanctuary is described as "the place which Jehovah [your (thy) God] shall choose [out of all your tribes] to put His Name there," or "— choose to cause His Name to dwell there," or "the place which Jehovah shall choose in one of your tribes," or "which Jehovah [thy God] shall choose" (xii. 5, 10-18, 20-27, xiv. 23-25, xv. 20, xvi. 2, 5, 6, 11, 15, 16, xvii. 8, xviii. 6, xxvi. 2, xxxi. 11). Again, Israelites are bidden to guard their sacred community from contamination, *i.e.* from eunuchs mutilated for heathen religious purposes (xxiii. 1 [2]), bastards (*v.* 2 [3]), and foreigners—Ammonites and Moabites (*vv.* 3-6 [4-7]), and Amalekites (xxv. 17-19); Edomites and Egyptians are accepted, each for a special reason (xxiii. 7, 8 [8, 9]). And the main object of the section concerning the king (xvii. 14-20) is "to guard against admixture with foreigners and participation in foreign policy" (W. Rob. Smith).

But, further, anything that can cause ritual defilement is to be scrupulously avoided: the personal defilement of eating unclean animals, aquatic creatures, or birds (xiv. 3-20), or anything that has died a natural death, *i.e.* from which the blood has not first been carefully drained (xiv. 21); the defilement of

the land by the shedding of innocent blood (xxi. 1-9), or by the exposure of the body of a malefactor after execution (xxi. 22, 23); and the defilement of the camp in time of war by uncleanness (xxiii. 9-14). The separateness from other nations is also emphasized by the permission to give to a sojourner, or sell to a foreigner, that which has died a natural death (xiv. 21).

Of these various precautions some are doubtless relics of ancient taboos, but some are the result of religious reflection upon the relation of Israel to God.

This unique community, free from foreign admixture and polluting influences, with its worship of the Only God concentrated in one sanctuary, required (as every stable community requires) an organized body of officials, to rule and represent the whole Body. The ideas of the Deuteronomist fell short of Ezekiel's, but the essence was there, in the provisions for the Levitical priests. These officials are called "the priest(s)" (xvii. 12, xviii. 3, xix. 17, xx. 2, xxvi. 3, 4), "the Levite(s)" (xviii. 6, 7, xxvii. 14, xxxi. 25, and the passages given on p. 23, in which they are commended to charity), "the priests the Levites" (xvii. 9, 18, xviii. 1, xxiv. 8, xxvii. 9), or "the priests the sons of Levi" (xxi. 5, xxxi. 9); once "the tribe of Levi" (x. 8). An examination of their duties and privileges described in these passages will shew that the appellations are used quite indifferently. This identity of priests and Levites agrees with the historical notices in the books of Judges, Samuel, and Kings, but differs from the arrangement which prevailed from Ezekiel

and onwards, according to which "Levites" became a body of assistants, inferior to the priests the sons of Aaron (see pp. 67-77).

The national exclusiveness reflected in the book is further illustrated by the rewards and punishments to be expected in the event of obedience and disobedience. The rewards are that Jehovah will make Israel "high above all nations which He hath made, for a praise and for a name and for a glory" (xxvi. 19; similarly in xxviii. 1); and they will rule over them with a material superiority (xv. 6, xxviii. 12, 13). Conversely, if they are disobedient, their nationality will be destroyed (iv. 26, vi. 15, viii. 19, 20, xi. 16, 17), and God's curse will rest upon them (xi. 28, xxviii. 15-68).

The *positive* side of Deuteronomic religious thought is love to God, and love to men who are either Israelites or under Israelite protection. These two duties are the warp and the woof of the writer's ideal of character. Love to God is enjoined in v. 10, vi. 5, x. 12, xi. 1, 13, 22, xiii. 3, xxx. 6, 16, and also by repeated pleadings to Israel to shew their gratitude to Jehovah by keeping His commandments, statutes, and judgments, to cleave to Him (x. 20, xi. 22, xiii. 4, xxx. 20), to listen to His voice (xxx. 2), to turn to Him (xxx. 10), and so forth. It gives to the writer's exhortations a tender and yearning force to which Hosea supplies the nearest parallel. Love to men is the moving principle of all the ethical requirements of justice and mercy detailed earlier in the chapter. Deuteronomy foreshadows St. Luke's Gospel in its

sympathy for the poor, St. John's in its insistence on love.

It is here that it rises to the individualism of Jeremiah and Ezekiel. The only instance of *verbal* contact with their teaching on this point is xxiv. 16, where it is laid down that "fathers shall not be [judicially] put to death for the children, neither shall the children be put to death for the fathers; every man shall be put to death for his own sin." (Cf. Jer. xxxi. 29, 30, Ezek. xviii. 4, 20; and see the quotation made by the compiler of Kings in 2 Kings xiv. 6.) But in vii. 10 ("repayeth them that hate Him *to their face* . . . He will repay him *to his face*") the Deuteronomist shews that, like Jeremiah and Ezekiel, he has grasped the truth that what is judicially unjust with men cannot be expected of God. But though there is little express teaching on individual responsibility, *love* to God and to one's neighbour cannot be a matter for the nation only. In Hosea, indeed, love to God is mainly conceived as a national loyalty to Him as opposed to the hankering after foreign alliances and foreign worship. And Deuteronomy does not lose the thought. But if acts of loving-kindness to men are an essential part of gratitude and faithfulness to God, they are a matter for every single Israelite. The emphasis which the Deuteronomist lays on justice and kindness is the measure of his individualism.

But while Deuteronomy thus gathers up the main elements in the moral and religious teaching of the pre-exilic prophets, it is remarkably independent of

them as a literary product. Its style, which is very different from theirs, is discussed on pp. 90–106, but the best proof of the writer's independence is gained by reading, even in an English translation, considerable portions of his work side by side with Amos, Hosea, Isaiah, and Micah. Where the religious ideas are the same, they naturally tend to require, to some extent, a common vocabulary for their expression. The prophets of the eighth century are unanimous, for example, in condemning social evils; and the prevalence of these social evils led to the promulgation of laws on the subject. Some of these, codified in JE, were afterwards incorporated into Deuteronomy (see pp. 86–89); so that if a prophet refers to a law which is embodied in Deuteronomy, it does not follow that he quotes Deuteronomy, but only that he and the Deuteronomist refer to the same ancient law. In a few passages a certain similarity of language can be discerned in Deuteronomy and in the eighth century prophets, but that there is a real literary connexion can, in hardly a single case, be asserted with confidence. And even if such existed, it would be very difficult, in any given instance, to maintain, apart from other *criteria*, that a prophet quoted from Deuteronomy and not *vice versa*. See pp. 107–115.

## CHAPTER III

### THE DISCOVERY OF DEUTERONOMY AND ITS INFLUENCE

EVER since the time that the Israelites entered Canaan, the pure worship of Jehovah had always been in danger of contamination by contact with the native cults. Recent excavations have shewn that there was no sudden break between the religious practices of the Canaanites and those of their conquerors. Elijah had made a stand against the worship of the Tyrian Baal, and his efforts were seconded by the massacres of Jehu. The Southern Kingdom was as deeply affected as the Northern. The execution of Athaliah at the instance of Jehoiada (2 Kings xi.) did not put an end to the evil. Hezekiah, probably under Isaiah's influence, is recorded to have made an attempt to purify worship from Canaanite abuses (2 Kings xviii. 4, 22). But the next king, Manasseh, deliberately favoured a pagan syncretism (xxi. 1-7). The local sanctuaries at which Jehovah had been worshipped in various parts of the country were re-established, and furnished with altars for Baal. An Asherah image was erected in the Temple, and altars for the worship of the heavenly bodies. The hateful Molech rites were introduced, and Canaanite



magic and sorceries encouraged. That this deliberate reversion to paganism met with vehement opposition is shewn by the fact that there was a large number of martyrdoms (*v.* 16). But this cruelty, as in the case of most persecutions, defeated its own object. The immediate result was the fostering of a renewed and ardent desire for reform. The masterpieces of literature have generally appeared in times of tension and stress. One of these, which probably belonged to this reign, was Mic. vi. 1-vii. 6. And another was soon to follow. Manasseh's son Amon, who succeeded him, and followed his policy, was soon assassinated, and, elected by the popular voice, the child Josiah came to the throne in 639 B.C. (2 Kings xxi. 19-26). Eighteen years later, at the age of twenty-six, he began to shew that he was influenced by the desire for reform, and caused, or at least allowed, the Temple to be repaired (xxii. 1-7). In the course of the repairs, a book, *i.e.* a parchment roll, was discovered in the building by Hilkiah the priest. When it was read to the king it caused him the utmost consternation. The commands and warnings which it contained made him acutely conscious that, for generations past, Israel had been living in a manner displeasing to God (xxii. 8 ff.). He at once began to take active measures for reform. These measures are described in ch. xxiii. as having been carried out not only throughout Judah "from Geba to Beersheba," but also in the North, which had for a century been in the hands of Assyria, and was outside Josiah's juris-

diction. Some have doubted the accuracy of this; but whether he penetrated beyond the limits of Judah or not, the important thing to notice is that the reforms were executed in such a way as "to confirm the words of the law which were written in the book that Hilkiah the priest found in the house of Jehovah" (*v.* 24). Now all the principal items are found in Deuteronomy, and some of them in Deuteronomy only.

Canaanite objects of worship and altars (*vv.* 6, 12, 14): Deut. iv. 16-18, 23, vii. 5, 25, xii. 3.

Abominations of Canaanite worship (*v.* 13): Deut. xii. 29-31*a*.

Worship of the host of heaven (*vv.* 4, 5, 11): Deut. iv. 19, xvii. 2-7.

Molech worship (*v.* 10): Deut. xii. 31*b*, xviii. 10*a*.

Sorceries (*v.* 24*a*): Deut. xviii. 10*b*, 11.

Religious prostitutes (*v.* 7): Deut. xxiii. 17 [18] *f*.

High places (*vv.* 5, 8, 13): Deut. xii. 2 (Canaanite high places), and *passim* (Israelite sanctuaries other than the Temple at Jerusalem).

Besides these measures directed against abuses, the Passover was solemnly observed "as it is written in this book of the covenant" (*vv.* 21 *ff.*): Deut. xvi. 1 *ff.* These facts have led to the reasonable conjecture that the book which Hilkiah discovered was Deuteronomy, or some portion of it. When we take into account what has been said in the foregoing chapter as to the relation of Deuteronomy to the pre-exilic prophets, which suggests that it must have belonged to the very

period under discussion, the probability that it was the discovered book is greatly increased. And since it is still further increased by the considerations which will follow in Chapter V., it is so great as to amount to practical certainty. The only question that arises is whether the book was actually composed in Josiah's reign, or a little earlier; and this cannot be decisively answered. If it was written in Manasseh's reign, it is natural to suppose that the author dared not publish it while the persecutions were raging, and therefore laid it up in the Temple, hoping for better times. Some have objected to this that the quiet hopefulness and equanimity displayed in Deuteronomy are not such as would have been produced in the agitation and anguish of the reign of terror. If so, it may well have been written when Josiah was still a child. Persecutions had ceased, and the worshippers of Jehovah breathed freely again. But hardly expecting his book to have much practical effect while the king was still young, the writer may have put it by, looking forward to an opportunity of making it public later on. Possibly he died at some time during the first eighteen years of Josiah's reign; or if he wrote it in Manasseh's reign, he may have been a martyr in the persecution. To suppose that Hilkiyah knew of the book, and was guilty of a "pious fraud" in saying "*I have found the book of the law in the house of Jehovah*" (xxii. 8), is entirely unwarranted. He and the king alike recognised its value as soon as they read it; and as public spirit was now ripe for the reform

for which many had been sighing for years, the result was immediate and far-reaching.

Its influence was so great that it became the rallying point, and the model, of the religious minds of the day. Jeremiah, who began to preach in Josiah's reign (i. 2), was deeply imbued with its literary style (see pp. 115-119). And other writers, similarly imbued, set to work in their religious ardour to re-edit some of the earlier writings. In the book of Judges ancient material was to a large extent incorporated, but the narratives were placed in a framework, and religious comments were added to them. The editorial work is, for the most part, easily distinguishable by its Deuteronomic style and spirit. In 1, 2 Kings a similar process took place, the ancient material consisting chiefly of official court records, and stories of prophets. These were adopted by the compiler, but besides his framework and religious comments, considerable portions of the narrative seem to have been written by him.<sup>1</sup> In 1, 2 Samuel the Deuteronomic element is smaller. Earlier and later *strata* already existed in these books, the later having affinities with E; but they were re-edited, with expansions (especially in 1 Sam. i.,

<sup>1</sup> This explains how Hilkiah could be reported to have said "I have found *the book of the law*." The expression only represents what an editor of the Deuteronomic school would think of Deuteronomy (*cf.* "this book of the law," which occurs only in Deut. xxix. 21, xxx. 10, xxxi. 26, Jos. i. 8 [D]). It also explains the words attributed to Josiah when the book was read to him, "our fathers have not hearkened unto the words of this book." Since the commands are ascribed in Deuteronomy to Moses, the Deuteronomic writer of 2 Kings xxii. makes the king speak as though they had long been in possession of Israel.

ii., vii., viii., xii.), by a Deuteronomic writer. Not only so, but the composite work JE was also re-edited. It may have already contained religious comments here and there of a hortatory or parenetic character, due to the amalgamator of J and E; but many of the comments now to be found in Genesis, and more especially Exodus, are so markedly Deuteronomic, that they are probably to be assigned to the editorial activity of the seventh century. Similarly in Joshua the Deuteronomic elements are large and unmistakable, extending to considerable portions of the narrative in chs. i-xii. (in which Joshua and Israel are represented as carrying out, with ideal completeness, the extermination of the Canaanites commanded in Deuteronomy) and Joshua's address in ch. xxiii. It cannot be argued that the presence of "Deuteronomic" passages in Genesis and Exodus points to identity of authorship (*e.g.* that of Moses) for those books and Deuteronomy, because (1) the distinctive style, which pervades the whole of Deuteronomy with almost no exceptions, is found in those books only in isolated passages, and (2) the same argument would prove identity of authorship for Joshua, Judges, 1 Samuel and 1, 2 Kings.

## CHAPTER IV

### DEUTERONOMY AND MOSES

THE comparison drawn in Chapter II. between the teaching of Deuteronomy and that of the prophets enabled us to form an idea of the place which the book held in the line of Hebrew religious development; and this was confirmed by the facts discussed in Chapter III. The result has been reached without regard to the other books of the Pentateuch; and it would hold good even if they had perished. Modern study is daily teaching us that development is God's normal method of working in every department of the universe—physical, intellectual, social, spiritual. It would be very surprising if the Hebrew religion proved to be an exception. But independently of modern study, religious development in the Old Testament is explicitly described in Heb. i. 1: "God, who in many portions and many ways spake in times past unto the fathers through the prophets." That is, many successive portions or fragments of His self-revelation were vouchsafed from time to time, by a variety of methods, to those whose hearts were raised into closest union with Him.

There are some who still shut their eyes to these facts



and maintain that Deuteronomy was a genuine work of Moses—either written or personally superintended by him. This involves the amazing conclusion that the book stood outside, and superior to, the law of development, since Moses' religious genius was such that it enabled him to know many "portions" of the truth long before anyone else, to anticipate by five or six centuries the insight into God's nature and will at which all the other inspired geniuses of Israel arrived only by gradual stages. But it is thought that these considerations must count for nothing in face of the single fact that the author of Deuteronomy ascribes the teaching of the book to Moses. The defenders of the Mosaic authorship persist in offering us the dilemma—*either* Mosaic *or* a "forgery." Writers who are vehemently opposed to the principles of the latest German criticism are not averse to employing its *entweder—oder*. Mr. Griffiths, in the work referred to in the Preface, goes so far as to say that "the historical truth and Divine authority of Deuteronomy depends upon the *date* at which the book was composed" (p. 11), and that "the case for the truth and inspiration of Deuteronomy stands or falls with that for its Mosaic origin" (p. 14). His argument appears to be this: However true and lofty the ethical and religious teaching may be, however truly Divine the spirit which obviously pervades it, yet if the book is not Mosaic its value is destroyed at one stroke by the "fraud" of which the writer was guilty in ascribing to Moses the utterances which it contains. It is, of course, certain that a man

who could be used by God to write a book so lofty and inspired would be unlikely to support it by a fraud, "the matchless ingenuity of which" (to quote Mr. Griffiths) "can never palliate its glaring dishonesty—a fraud which, if known, would have been condemned by his literary contemporaries."<sup>1</sup> If, therefore, good reasons exist—reasons, it may be added, which satisfy all but an exceedingly small minority of professed Old Testament scholars in England—for thinking that the origin of the book cannot be placed in the lifetime of Moses, we may conclude that the writer did not intend it as a fraud. The "acknowledged literary device" of ascribing a work, or the religious teaching contained in a work, to a famous hero of the past would deceive no one. Even if it did, it does not follow that deception was the writer's purpose. Other instances of the device in the seventh century, for which Mr. Griffiths asks, are not available; the only Hebrew writings (except Deuteronomy) of that century which survive are the prophetic works of Jeremiah, Zephaniah, Nahum, and perhaps Habakkuk. But, apart from the traditional Mosaic authorship of the Pentateuch, and the Davidic authorship of the Psalms, instances of writings in which utterances due to the author's own pen are ascribed by him, or by others, to ancient names are seen in Job, Proverbs,

<sup>1</sup> The sentence continues: "a fraud which *he himself denounces in the severest terms* (Deut. xviii. 20)." Does Mr. Griffiths really think that "speak a word presumptuously *in my name*" means "in the name of Moses"? A religious teacher, who is profoundly convinced of the truth of his message, speaks "in God's name," to whatever century he belongs.

Song of Songs, Ecclesiastes, Jonah, Ruth, Daniel, in the issue of late prophecies bound with the genuine works of Isaiah and Zechariah, and in the later *strata* of Joshua, Judges and 1, 2 Samuel. How Mr. Griffiths can allow himself to say (p. 101) that the case of Ecclesiastes is in no way analogous it is difficult to understand. The Deuteronomist aimed, it is true, at a high spiritual ideal for his nation, while the writer of Ecclesiastes only poured out the sorrows and doubts of his soul. But if the one put his utterances into the mouth of Moses, and the other into the mouth of the "King over Israel in Jerusalem" (*i.e.* Solomon), it is shutting the eyes to facts to say that there is no analogy between them.

Mr. Griffiths claims (p. 102) that "if Deuteronomy is a forgery, the author himself is an insoluble psychological problem." "He adopts," he says, "with conspicuous success the Mosaic garb." An instance offered is his "evident acquaintance with the Egypt of the Exodus." Details of this acquaintance are given on pp. 21 f., and stress is laid "not on their *number* or *importance*, but their accuracy." Their number is indeed small, and there is not one that could not be known to a man of ordinary intelligence in the seventh century. The Southern Kingdom had more than once come into contact with Egypt. Is. xix. shews at least as much knowledge of Egyptian life as Deuteronomy. Moreover some of the practices mentioned by Mr. Griffiths were not necessarily derived from the writer's knowledge of Egypt. The wearing

of amulets,<sup>1</sup> and food-offerings for the dead,<sup>2</sup> were widespread customs in early nations. And threshing with unmuzzled oxen<sup>3</sup> prevails in the East to-day, not only in Egypt but also in Mauretania, Mesopotamia, Syria, Arabia and Palestine. This can hardly be due solely to Egyptian influence or to the Biblical command.

The list of clean and unclean animals in Deut. xiv. contains several inhabitants of the desert, such as the Jews of the later monarchy would probably never have seen alive. Mr. Griffiths argues (p. 22) that mention in Deuteronomy of nine clean animals which do not occur in the similar list in Lev. xi.,<sup>4</sup> must have been due to Moses, to whom the fauna of the desert, after thirty-nine years' wandering, were familiar. But is it impossible that such animals might have been *imported* for food? If apes and peacocks, which the ordinary Israelite had certainly never seen in their native country, could be imported for Solomon (1 Kings x. 22), game of all kinds could easily be procured for the tables of the wealthy by hunters in the deserts adjoining Palestine. See also 1 Kings iv. 23 [v. 3], where the food of Solomon's table includes "harts, gazelles, and roebucks," three of the clean

<sup>1</sup> See *Ency. Brit.*, art. "Amulet."

<sup>2</sup> See Tylor, *Primitive Culture*,<sup>3</sup> i. 490 ff., ii. 30-43.

<sup>3</sup> See Driver on Deut. xxv. 4.

<sup>4</sup> In Lev. xi. a clean animal is *defined* (v. 3), but no clean animal is *mentioned*—a point which Mr. Griffiths fails to make clear. If there had been a *list* of clean animals in Leviticus, to which others, distinctively "desert" animals, had been *added* in Deuteronomy, there might have been force in the argument. Not only, however, is this not the case, but the animals mentioned in Deuteronomy are not distinctively "desert" animals at all.

animals specified in Deut. xiv. 5. Moreover the hart and the gazelle are mentioned not infrequently by writers in Palestine: for the hart (*'ayyāl*) cf. Ps. xlii. 2, Cant. ii. 9, 17, viii. 14; for the gazelle (*z'bhī*) cf. 2 Sam. ii. 18, 1 Chr. xii. 8, Cant. ii. 7, 9, 17, iii. 5, viii. 14. The roebuck (*yahmūr*) is stated by Conder (*Tent Work*, 1887, p. 91) to be found in the thickets on the sides of Mt. Carmel. And the *dīshōn* (A.V., R.V. "pygarg" from the LXX πύγαργος) is identified by Tristram as the *antelope addax*, which is common in the Arabah, S. of the Dead Sea (*Nat. Hist. of the Bible*, p. 127). Further, if several of the animals in Deut. xiv. were *not* natives of Palestine, why did Moses take the trouble to forbid them at the moment when Israel was about to leave their desert haunts and enter a country where they were not to be met with? If, on the other hand, they *were* known in Palestine, a writer in the seventh century is as likely to have mentioned them as Moses.

But besides adopting the Mosaic garb, the writer "embodies the Mosaic spirit." "He has caught and reproduced the emotions and desires, the confident optimism and happy hopefulness of Moses on the eve of the immigration." But since Deuteronomy is the only writing in existence which describes Moses' feelings on the eve of the immigration, the words "caught and reproduced" simply beg the question. All that can be said is that the writer ascribes to Moses a confident optimism and happy hopefulness.

"The intervening centuries with all their doleful

history of backsliding and persecution, of disaster and defeat, are utterly ignored." "He knows nothing of the woeful plight of Judah." But it is precisely this doleful history which is reflected in the predictions of disaster in xxviii. 15 ff., xxix. 18 ff., and in all the warnings of the punishment which will be incurred by disloyalty to the Divine covenant.

"He is happily oblivious of the great Schism, and the fall of the Northern Kingdom." But the argument from silence, often precarious, is sometimes double-edged. The writer makes no mention of the Northern Kingdom, which is natural if that kingdom had disappeared for about 100 years.

"His references to Edom are couched in a friendly spirit which is in striking contrast to the tone of his prophetic contemporaries." This is true. The writer says, "Thou shalt not abhor an Edomite, for he is thy brother" (xxiii. 7); and brotherly love is a special feature of his kindly disposition (see pp. 22-24).

"He invents a law of central sanctuary when the Temple at Jerusalem has practically no rivals." This is not the impression conveyed by 2 Kings xxiii. 5, 8 f.: "the high places where the priests had burned incense, from Geba to Beersheba" were defiled by Josiah. The use of these high places (*bāmôth*) had been, from the earliest days, adopted by the Israelites from the Canaanites; and on some of them distinctively Canaanitish worship was carried on. The prevalence of "high places" in Judah in rivalry with the Temple is attested by 1 Kings xiv. 23, xv. 14, xxii. 43,



2 Kings xii. 3 [4], xiv. 4, xv. 4, 35, xvi. 4. Hezekiah is reported to have removed them, or some of them (xviii. 22), but Manasseh rebuilt them (xxi. 3). The law of the central sanctuary was a protest against their use. The popular mind found it almost impossible to distinguish between the worship of Jehovah and that of the Canaanitish gods; and the only safe remedy was to prevent the worship of Jehovah from being conducted at the local sanctuaries. The temple at Jerusalem had, in fact, a multitude of rivals, which were destroying pure Jehovah-worship for Jehovah's people, and gravely endangering their monotheism. Mr. Griffiths seeks to shew that "Josiah's reformation was directed to the abolition of idolatry and the *purification* of worship rather than its centralisation." And in contrast with that he writes, "While Deuteronomy prohibits idolatry, it does so *in a comparatively subordinate way*."<sup>1</sup> It is difficult to deal with a vague and misleading expression of this kind. A reference to the passages cited on pp. 26, 27 will shew to what extent the Deuteronomist "subordinates" purification to centralisation.

In only one class of instances adduced by Mr. Griffiths does the Deuteronomist throw his teaching into a form more suited to the age of Moses than to his own—*i.e.* in his injunctions regarding warfare, and especially the extermination of the Canaanites. In view of the mass of considerations which point conclusively to a date for the book centuries later

<sup>1</sup> The italics in this sentence are mine.

than Moses, we are right in understanding the commands for warfare as Mosaic in dress but Deuteronomic in spirit. They express the writer's horror of everything un-Israelite and heathen, and "would have indirectly a great value as a protest, in the name of the Founder, against the idolatrous tendencies of the age" (Driver, *Deut.*, p. lxii).

If the book was not a "fraud" and a "forgery," but an earnest exhortation, placed for literary effect in the mouth of Moses, but written by an inspired religious reformer long after his time, a large number of difficulties disappear, many of which are insoluble if Moses really wrote (or personally superintended the writing of) Deuteronomy. A few of these may be noted here, which are different in kind from those discussed in the next chapter.

First may be placed the facts connected with the Decalogue. In Ex. xx. 1-17 the "Ten Words" were given by God; and He wrote them on two tablets of stone (xxxi. 18*b*). After Moses had broken the tablets God wrote the commandments again, in the same form, on two fresh tablets (xxxiv. 1-4, 28*b*). With this Deuteronomy agrees (v. 22, x. 2-4). These tablets were preserved in the ark, and, according to Deuteronomy, were still there when Moses delivered the Deuteronomic discourses (x. 5 "there they be"). If this was so, Moses was able to take the tablets, and read out to the people the exact words written on them. It would be a terrible act of sacrilege to tamper with words of so transcendent a sacredness. Is it con-

ceivable that Moses would have dared to make alterations in the wording as he read them out? And yet that is what we must conclude on the supposition that Moses wrote both Exodus and Deuteronomy. The alterations in the 2nd, 4th, 5th, 9th and 10th commandments are a problem which the defenders of the Mosaic authorship seldom notice and never solve.

Further: In Exodus (xxiv. 3-8) the covenant at the sacred mountain is based not on the Decalogue but on the laws contained in the "Book of the Covenant" (xx. 22-xxiii. 33). But Deut. xxix. 1 speaks of *two* covenants—the one "which Jehovah commanded Moses to make with the children of Israel in the land of Moab," the other "which He made with them in Horeb." The latter, according to Deuteronomy, is based *solely on the Decalogue*. According to Deuteronomy, God gave to the people at the sacred mountain no other commands (v. 22). Because they were terrified at the divine voice (vv. 25-27), Jehovah consented to speak to Moses alone. He gave to him "the commandment, the statutes, and the judgments, which thou shalt teach them," and which they were to observe in Canaan (v. 31). These Moses stored up in his memory (apparently), and taught to the people in Moab, and they formed the basis of the second covenant. There is thus a direct contradiction: in Exodus the covenant at Horeb is based on the *Book of the Covenant*, in Deuteronomy it is based on the *Decalogue*, notwithstanding the fact that many of the laws in the Book of the Covenant reappear in the Deuteronomic discourses.

(See further, Chapman, *Introd. to the Pentateuch*, pp. 112 ff.)

Deut. i. 1. “Moses spake unto all Israel *beyond Jordan*.” This geographical expression recurs in i. 5, iii. 8, iv. 41, 46, 47, 49; elsewhere in the Pentateuch, Num. xxii. 1, xxxiv. 15. In all these passages it denotes “on the *East* of Jordan.” This would naturally point to a writer on the *West* of the river, as is clearly the case in Jos. ii. 10, vii. 7, ix. 10, xviii. 7, xx. 8, xxiv. 8, Jud. vii. 25, x. 8, 1 Sam. xxxi. 7, and elsewhere. And since Moses never crossed the Jordan, he neither wrote nor superintended the writing of these passages in Deuteronomy. The expression is so difficult on the assumption that he did, that Mr. Griffiths (p. 29) is driven to the desperate expedient of accepting L. Robinson’s explanation, that “the term is an elastic one, and, when standing alone, ambiguous.”<sup>1</sup> Is it ambiguous in Jos. ii. 10, vii. 7, ix. 10, xxiv. 8, Jud. vii. 25, 1 Sam. xxxi. 7?

The expression denotes “on the *West* of Jordan” in three passages placed in the mouth of Moses, the (assumed) position of the speaker being maintained (Deut. iii. 20, 25, xi. 30); but, with the exception of iii. 8, the passages mentioned above, in which it means “on the *East*,” are historical statements made by the writer. The single exception only serves to shew that

<sup>1</sup> Mr. Griffiths adds, “This is borne out by the fact that in every instance where the phrase occurs in Deuteronomy some qualifying addition (e.g. ‘in the land of Moab,’ ‘towards the sun-rising,’ ‘over against Beth-peor,’ ‘eastward,’ &c.) is made to determine it.” This is incorrect. No qualifying addition is made in iii. 20, 25.

he was not invariably successful in his adoption of the Mosaic garb ; *cf.* Jos. i. 14 f., where, as here, the point of view of the *writer* involuntarily betrays itself.<sup>1</sup>

i. 22, 23. The suggestion that spies should be sent came from the people themselves, and it pleased Moses. But in Num. xiii. 1, 2, it came from God. It might be argued that the people's suggestion was the means which God employed to give expression to His wish. But if Moses wrote both the passages the difference is at least surprising.

i. 46, ii. 1, 14, Israel stayed at Kadesh "many days" and "compassed Mt. Seir many days." The length of time indicated in the first two passages is uncertain. But in ii. 14 it is explicitly stated that thirty-eight years were spent in journeying from Kadesh to the borders of Moab. The abode at Kadesh, therefore, was comparatively *short*, and was *followed* by the thirty-eight years' wandering. But in Num. xx. (JE) it is related that after the stay at Kadesh (*v.* 1), Moses asked permission of the king of Edom to pass straight through his territory into Palestine. He could not have asked this until the period of wandering commanded by God (Num. xiv. 33, 34) was drawing to a close. It is, therefore, implied in Numbers, if the narrative is complete, that the thirty-eight years were spent at Kadesh, and the circuit round Edom occupied only a short time at the close of them. If, then, the thirty-eight years were spent, according to JE, *at* Kadesh, and according to Deuteronomy *away* from Kadesh, there is a discrepancy

<sup>1</sup> See, more fully, Driver, *Deuteronomy*, pp. xlii f.

which is fatal to the Mosaic authorship. The distinction drawn by Mr. Griffiths (p. 33) between Kadesh-Barnea and the region Kadesh (a distinction for which there is no evidence) does not touch the difficulty.

x. 1-5. Moses states that he made the ark (*v.* 3); but in Ex. xxxvii. 1 Bezalel made it. It would not be difficult to suppose that a writer other than Moses ascribed to him the making of the ark, if he gave the directions for it, although Bezalel performed the manual operation. But if Moses himself really spoke the words in Deuteronomy, not only is the variation from Ex. xxxvii. (*ex. hyp.* written by himself) very remarkable, but we cannot help feeling that he does not give Bezalel his due.

Further: in Deuteronomy Moses is represented as saying that Jehovah told him to make the ark, and that he did make it, before going up into the mountain with the second tablets of stone, *after* the destruction of the golden bull. But in Exodus (xxv. 10 ff.) the command to make it is given to him in the mountain *before* his discovery of the bull. The difficulty does not turn merely on the words "at that time" (Deut. x. 1), but on *v.* 3: "I made an ark . . . and hewed two tablets . . . and went up into the mountain." It is scarcely conceivable that the descent from the mountain and the destruction of the image (*already related* in ch. ix.), and God's command to make the ark (x. 1), are intended to intervene between the two statements in *v.* 3, that Moses (1) made an ark, and (2) hewed two tablets and went up into



the mountain. Moreover, x. 1-3 is based upon Ex. xxxiv. 1, 2, 4:—

*Deuteronomy*

v. 1. At that time *Jehovah* said unto me, *Hew thee two tablets of stone like unto the first, and come up unto Me to the mount, and make thee an ark of wood;*

v. 2. That I may write upon the tablets the words that were on the first tablets, which thou brakest, and thou shalt put them in the ark.

v. 3. And I made an ark of acacia-wood; and I hewed two tablets of stone like unto the first, and I went up to the mount

and the two tablets were in my hand.

*Exodus*

v. 1. And *Jehovah* said unto Moses, Hew thee two tablets of stone like unto the first;

and I will write upon the tablets the words that were on the first tablets, which thou brakest.

v. 2. And be ready by the morning, and thou shalt come up in the morning into mount Sinai, and present thyself there unto me on the top of the mount.

v. 4. And he hewed two tablets of stone like unto the first;

and Moses rose up early in the morning, and he went up into mount Sinai, as *Jehovah* commanded him, and took in his hand two tablets of stone.

The only important difference between the accounts is that in Ex. xxxiv., as we have it, there is no mention of the making of the ark. This must originally have formed part of the passage, and have supplied the Deuteronomist with his facts. But the priestly compiler of Exodus omitted it, because he had already inserted his own account of the ark in xxv. 10-22.

x. 6, 7. Places on the route of the Israelites are named differently from those in the itinerary in Num. xxxiii. 30-38.

*Deuteronomy*

v. 6. And the children of Israel journeyed from *Beeroth Bene-jaakan* to *Moserah*: there Aaron died, and there he was buried. . . .

v. 7. From thence they journeyed unto *Gudgodah*; and from *Gudgodah* to *Jotbathah*, a land of brooks of waters.

*Numbers*

v. 30. And they journeyed from Hashmonah, and pitched in *Moseroth*.

v. 31. And they journeyed from Moseroth, and pitched in *Bene-jaakan*.

v. 32. And they journeyed from Bene-jaakan, and pitched in *Hor-haggidgad*.

v. 33. And they journeyed from Hor-haggidgad and pitched in *Jotbathah*.

v. 36. And they journeyed from Ezion-geber, and pitched in the wilderness of Zin (the same is Kadesh).

v. 37. And they journeyed from Kadesh and pitched in Mount Hor, in the edge of the land of Edom.

v. 38. And Aaron the priest went up into *Mount Hor* at the commandment of the Lord, and died there.

It will be seen that the order of the first two names in Deuteronomy is transposed, and the form of three of the names is different. Mr. Griffiths (p. 33), after offering the precarious defence that the two accounts are not necessarily parallels, draws attention to the fact that in Numbers (v. 38) Aaron's death is placed

at Mt. Hor, and in Deuteronomy at Moserah; and he says, as is often done, that it cannot be proved that "there was no place of that name in Mt. Hor." If it cannot be proved, a comparison of the two itineraries at least shews that it is extremely probable. But strangely enough he goes on to claim, with Dr. Driver, that Deut. x. 6, 7, "is not an integral part of the book, but an editorial note," and adds "this disposes also of the difficulty that Deut. x. 8, 9 places the consecration of the tribe of Levi much later than Ex. xxviii. 29 [misprint for xxix.], Lev. viii., and Num. iii. 5-10, would imply." This acceptance of critical results which "dispose of difficulties" is very noteworthy.

xix. 14. "Thou shalt not remove thy neighbour's landmark, which they of old time have set, in thine inheritance which thou shalt inherit" (*cf.* Hos. v. 10). The writer makes Moses look forward to a time when Israel has long been in possession of the land; the ancestral boundaries of property are to be observed. Mr. Griffiths feels the difficulty of this provision in the mouth of Moses for a state of things long after his time, and actually explains (p. 88) that "they of old time" are the aborigines of Palestine! Can it be seriously supposed that boundaries of property arranged by the aborigines were to control, for all time, the distribution of the land by their conquerors?

The above passages lead to a negative conclusion. They show that the theory that Moses wrote, or superintended the editing of, Deuteronomy is beset with insoluble difficulties.

## CHAPTER V

### THE LAWS IN DEUTERONOMY AND OTHER ISRAELITE CODES

THE position which the teaching of Deuteronomy holds in the line of the religious development of Israel has been indicated in Chap. II., by comparing it with the progressive teaching of the prophets of the eighth and seventh centuries. A comparison of the Deuteronomic *laws* with other Israelite laws bears out the conclusions there reached. Modern Biblical students are accustomed to the symbols JE, H, and P, which have been explained on pp. 2-6.

As far as legislation is concerned, these symbols stand for three groups of laws: (1) JE in Ex. xx-xxiii. (commonly known as the Decalogue and the Book of the Covenant, the latter title being derived from Ex. xxiv. 7), xxxiv. 10-26 (a repetition of a few of the laws on religious observances in the Book of the Covenant), xii. 21, 22 (the Passover), and xiii. 3-16 (Unleavened Cakes and Firstborn); (2) H in Lev. xvii-xxvi. (a group which has affinities with Ezekiel, and which is incorporated with the following); (3) P in Ex. xii. 1-20, 43-51, xiii. 1-2, xxv.-xxxi., xxxv.-xl., Lev. i.-xvi., xxvii., Num. i.-x. 28, xv., xviii., xix., xxv. 10-xxxvi. A justification of this division belongs to the large subject of Pentateuchal criti-

cism, and must be sought in such works as Driver's *Introduction to the Literature of the Old Testament*, Chapman's *Introduction to the Pentateuch*, and in commentaries on the several books.

The table given on pp. 86-89, taken with his kind permission from Dr. Driver's Commentary on Deuteronomy (pp. iv ff.), exhibits the materials for comparison.

An examination of the table yields three results:—

(1) There are no verbal parallels between Deuteronomy and P (including H); "much that is of central significance in the system of P is ignored in Deuteronomy, while in the laws which touch common ground, great, and indeed irreconcilable, discrepancies often display themselves; hence the legislation of P cannot be considered in any degree to have been one of the sources employed by the author of Deuteronomy" (Driver). See also Hastings' *D.B.*, art. "Deuteronomy," i. 602, by the Dean of Westminster, Dr. Ryle. A careful study of the last four books of the Pentateuch makes this conclusion certain.

(2) The majority of parallels in the right-hand column are in the "Law of Holiness" (*i.e.* Lev. xvii.-xxvi., and probably also Lev. xi. 2-23, Num. xv. 37-41, xxxiii., 52 f., 55 f.). "If the cases are examined individually, it will be found that they are less systematic and complete than those with JE, and that in particular, even where the substance is similar, the expression is nearly always different, and is decidedly less marked than in the case of the parallels with JE"

(Driver). This also will be found to be in agreement with the facts.

(3) The Deuteronomic code is based upon *the laws in JE*. The only laws in JE which find no parallel in Deuteronomy are those in Ex. xx. 26 (steps not to be made to an altar), xxi. 18-xxii. 15 [14] (compensations for various injuries), xxii. 29a [28a] (cereals and liquids to be offered to God), v. 29b [28b] (firstborn sons to be offered to Jehovah). The compensation for injuries would be laid down for the guidance of judges; in a law book for the people they would be less appropriate. The law of cereals and liquids is terse and obscure, but seems to refer to the offering of first-fruits, which is given more explicitly in Ex. xxxiv. 26. The omission of the command to dedicate the firstborn is remarkable; but it would be much more remarkable if the omission was due to Moses himself.

With JE as his basis, the Deuteronomist sometimes adopts laws from it *verbatim* (xiv. 21b, Ex. xxiii. 19b and xxxiv. 26b, "Thou shalt not seethe a kid in his mother's milk"), or nearly so<sup>1</sup> (*cf.* vii. 5 with Ex. xxxiv.

<sup>1</sup> For example:

*Deuteronomy*

vii. 5. *But thus shall ye deal with them; ye shall break down their altars, and dash in pieces their pillars, and hew down their Asherim, and burn their graven images with fire.*

xvi. 4. *And leaven shall not be seen by thee in all thy border seven days; neither shall any of the flesh,*

*Exodus*

xxxiv. 13. *But ye shall break down their altars, and dash in pieces their pillars, and ye shall cut down their Asherim.*

xiii. 7b. *And leaven shall not be seen by thee in all thy border.*

xxiii. 18. *Thou shalt not offer the*



13; xvi. 4 with Ex. xxiii. 18; xvi. 3 with Ex. xiii. 6 f., xxiii. 15, xxxiv. 18; xvi. 16 with Ex. xxiii. 17, xxxiv. 20c, 23; xvi. 19 with Ex. xxiii. 6, 8); he frequently expands laws, by the addition of parenetic remarks in his characteristic style. But he also adds several laws, and alters not a few. Some of his *additional* laws reflect conditions which grew up later (in some cases much later) than the time of Moses; *e.g.* tithes (xiv. 22–29, xxvi. 12–15), the court of appeal at Jerusalem (xvii. 8–13), the law of the king (xvii. 14–20), rights and revenues of the tribe of Levi, including those members of it who might, from time to time, go up from the country towns to Jerusalem (xviii. 1–8), the law of the prophet (xviii. 18–22), the landmark (xix. 14), battlements (xxii. 8).

Later conditions also account for some of the *alterations* in the earlier laws. The following is a study of the most striking of these alterations, and also of cases in which laws in H and P differ from those in Deuteronomy. The result, as said above, is to corroborate

which thou sacrificest the first day at even, *remain all night unto the morning.*

blood of my sacrifice with leavened bread;

neither shall the fat of my feast remain all night until morning.

xxxiv. 25b. And the sacrifice of the feast of the Passover shall not remain all night unto the morning.

xvi. 19. *Thou shalt not wrest judgment; thou shalt not respect persons;*

xxiii. 6. Thou shalt not wrest the judgment of thy poor in his cause.

*and thou shalt not take a bribe; for a bribe blindeth the eyes of the wise, and subverteth the words [i.e. the cause] of the righteous.*

v. 8. And a bribe thou shalt not take; for a bribe blindeth them that have sight, and subverteth the words [*i.e.* the cause] of the righteous.

the evidence afforded by the prophets as to the place occupied by Deuteronomy in the literature of Israel.

Deut. xii. 1-28. The law of the one Sanctuary has been mentioned above (pp. 27, 44 f.). In Ex. xx. 24 f. an altar is allowed to be either of earth or of unhewn stones. A plurality of altars is presupposed, erected wherever Jehovah "causes His name to be remembered." And the erection of altars in a variety of places by a variety of persons is abundantly attested in the history of Israel in Canaan. But the Deuteronomist confines all sacrifices to one sanctuary, employing such expressions as "the place which Jehovah thy God shall choose to place His name [cause His Name to dwell] there." The reader's attention is called to Dr. Orr's treatment of the passage (*Problem of the O. T.*, pp. 175 ff.). Dr. Orr does not adopt the impossible defence which has sometimes been offered, that Ex. xx. 24 f. was only a temporary regulation, in force until the altar in the Tabernacle was erected, *i.e.* for some nine months (Ex. xix. 1, xl. 2). By insisting on the singular "an altar," he concludes (p. 175) that the law in Exodus was "addressed to the nation, not to the individual." And yet he also says, "It would be unduly narrowing the force of this law to confine it, with some, to the *successive* places where the sanctuary was set up during the wilderness wanderings and in Canaan; it must at least include all places sanctified to their recipients by special appearances or revelations of God. This fully explains, and legitimises, *e.g.*, the cases of Gideon, of Manoah,

of David, of Solomon, of Elijah." But the altars erected by Gideon (Jud. vi. 25 f.) and Manoah (xiii. 16) were for *individual*, not national, worship. Moreover if the Pentateuch as a whole is Mosaic, the altar of earth or unhewn stone can in no case refer to the "successive places where the sanctuary was set up during the wilderness," because the sanctuary had an elaborate altar of metal and wood (Ex. xxvii. 1-8, xxxviii. 1-7). And in the one national sanctuary at Shiloh (supposing it to have been such) the same metal altar would still be in use. Dr. Orr further (p. 503) cites Dr. Green as maintaining that "in every place" cannot mean "in all places," so that the idea of a co-existing plurality is excluded. This, however, is far from being the case. The idiom (which it is quite arbitrary to limit to instances in which the word "place" occurs) denotes *every*, in the broadest sense of the word, whether at the same time or at successive times; *cf.* Gen. xxi. 6, Ex. i. 22, Deut. iv. 3 ("every man"; R.V. "all the men"), Jud. xix. 30 ("every one"; R.V. "all"), 2 Sam. xv. 2 ("every man"; R.V. "any man"), Jer. iv. 29*b*; and in a law: Ex. xix. 12 ("every one who"; R.V. "whosoever"), xxxi. 15, Lev. xv. 4, 9 ff., 26, Deut. xv. 19. Grammatically, in all these cases, the word following "all," though singular in the Hebrew, is used *collectively* (as words in Hebrew often are); and the proper rendering is "the whole of the places," "the whole of the men," &c. See Gesen.-Kautzsch, *Heb. Gramm.*, § 127*b*, with the footnote. In Gen. xx. 13, Deut. xi. 24, where

the idiom occurs with the word "place," the successive-ness is implied not by the idiom but by the accompanying verb, "shall go," "tread." But apart from the inconclusiveness of Dr. Green's argument, is it to be supposed that God could never "record His Name" to persons or tribes or other portions of the nation in more than one place at the same time? On Dr. Orr's hypothesis we are reduced to the strange conclusion that the "fundamental law" (as he describes it) in Ex. xx. 24 f., addressed to the whole nation, and standing prominently at the head of the Book of the Covenant, provides for purely exceptional cases which might arise one at a time (?for the nation or for successive individuals) after the arrival in Canaan.

Further: defenders of the Mosaic authorship of Deuteronomy point to Deut. xii. 10, 11, in which it is said, "But when ye go over Jordan, and dwell in the land which Jehovah your God causeth you to inherit, *and he giveth you rest from all your enemies round about*, so that ye dwell in safety; then it shall come to pass that the place which Jehovah your God shall choose to cause his name to dwell there, thither shall ye bring all that I command you; your burnt offerings &c," and they explain that until the reign of Solomon the enemies were still unconquered; so that a law which penetrates every part of the Deuteronomic code was impossible of fulfilment for some three centuries. This defence shews a serious disregard for the book of Joshua, which relates (x. 28-xii.) the complete destruction of the natives of Canaan and the conquest

of the country. In xi. 23 it is stated explicitly that "the land had rest from war"; and *cf.* xxi. 44, xxii. 4, xxiii. 1. That was the moment when the law of the one sanctuary, if delivered by Moses, should, on Dr. Orr's premises, have come into operation.

Yet again: if, contrary to the representation in these chapters of Joshua, the conquest was completed only in the days of Solomon, and the erection of his temple was the beginning of the fulfilment of the law of the one sanctuary, the highest religious minds in Israel would, we should suppose, be strongly averse to any subsequent infringement of it. A plurality of altars after the building of the Temple would be a sin, if the Deuteronomic law were known at the time. And yet a little later, Elijah, the great champion of the pure worship of Jehovah, pours out a heartbroken lament, not at the sin of God's enemies in erecting many altars, but at their sin in destroying them! "The children of Israel have forsaken Thy covenant, thrown down Thine altars, and slain Thy prophets with the sword" (1 Kings xix. 10, 14). Whether or not he objected to bull-worship is a different question. His zeal for Jehovah's altars is as clear a proof as could be desired that he did not know the Deuteronomic law. Dr. Orr's contention (p. 176, note 1) that Elijah's complaint "refers to Northern Israel, at a time when the legitimate worship at Jerusalem was excluded," might perhaps explain the condoning of one central sanctuary for Northern Israel, but not the sorrowful despair at the loss of the very multiplicity of altars which the

Deuteronomic law condemns. Hosea, six reigns later, gives the earliest expression that we possess (viii. 11) to the feeling that the multiplying of altars tended to lead Israel into sin. That feeling must have grown in religious minds until the Deuteronomist formulated it in a law.

xiv. 21. The flesh of an animal that has died a natural death (*nebhēlah*) may not be eaten by an Israelite, but may be given to a sojourner.<sup>1</sup> But in Lev. xvii. 15 to eat such is a pollution to Israelite and sojourner alike.

xv. 12-18. *Hebrew slaves*. In Ex. xxi. 2, 5-7, it is enacted that a male Hebrew slave is to be set free without ransom in the seventh year of his slavery. But he may bind himself for life if he wish. If he was a married man when he became a slave, his wife is to be set free with him. But a wife given to a slave, and a woman sold into slavery by her father, may not be manumitted. In Deuteronomy the humanitarian spirit of a later age extends the manumission to all female Hebrew slaves without limitation; and a master is bidden to present all slaves with liberal gifts when they leave him. Mr. Griffiths says (p. 66) that since the case of the daughter sold by her father is not mentioned at all in Deuteronomy, it cannot be said to have been *modified* to suit a later stage of society. But, without quarrelling about the word, it is surely clear that if in one code a humanitarian law is limited by an exception, and in another code the exception is

<sup>1</sup> Heb. *gēr*. See p. 22, note 1.



omitted, the latter code is, in the case in question, more humane than the former. In early times a Hebrew girl was *bought* to be the wife of her master or his son; in more civilized days this practice would naturally cease. Mr. Griffiths attempts to shew (p. 65) that the custom did not cease, by referring to 2 Kings iv. 1, Neh. v. 4, 5, Is. l. 1. The last is a late poetical passage which speaks of *God* selling His people into exile for their sins as though to a *creditor*. This proves nothing as to the power of a father over his daughters at the time; and the law in Exodus has nothing to suggest that the father is a *debtor*. The second is an even later passage, where the horrible act of selling sons and daughters into slavery by pressure of poverty is denounced by Nehemiah; and his indignation shews that it was not "the custom," but the reverse. In the first passage a widow woman complains that "the creditor is come to take unto him [*i.e.* by force] my two children for bondmen"; and this is adduced as an instance of the "custom" of a *father selling his daughter* to be her master's wife!

If a male slave wished to bind himself for life, his master (according to Ex. xxi. 5) was to "bring him unto God," *i.e.* to the sanctuary, where God was present, "and he (*or* one) shall bring him to the door or the door-post and pin his ear to it with an awl." Deut. xv. 17 has a similar regulation, but omits the reference to the sanctuary. It is in the last degree improbable that the Deuteronomist, who is never weary of insisting on the law of the one sanctuary,

should have *assumed* that it was to the sanctuary that the slave would be brought, with nothing to indicate *what* sanctuary. It may be safely inferred, therefore, that in the law in Deuteronomy attendance at the sanctuary is dispensed with altogether. The difference is to be explained by the change of conditions. In Exodus, in the days of local sanctuaries, the ceremony is public and official; in Deuteronomy, since the one sanctuary might be far distant, it is private and domestic, and is performed at the master's own house. The mention of "the door" shews that the law, in Exodus and in Deuteronomy alike, is a provision for a period *after* the settlement in Canaan, so that if both books were written by Moses the variation appears arbitrary. Mr. Griffiths opposes this by quoting, incautiously, a paragraph from Mr. Wiener, which ends with the odd statement that "the camp had in fact gates (Ex. xxxii. 26, 27), and the tents had in fact doors (Ex. xxxiii. 8)." Neither he nor Mr. Wiener can have referred to the Hebrew text, which in Ex. xxxiii. 8 speaks, not of a door, but of the *opening* (*pethah*) of the tent, while in the slave law under discussion, both in Exodus and Deuteronomy, it speaks of the *door* (*deleth*).

The manumission in the seventh year of slavery seems to have proved difficult in practice (cf. Jer. xxxiv. 11-16); and, on the other hand, to keep a Hebrew in slavery for life was felt to be a dishonour to God. Hence in the Law of Holiness (Lev. xxv. 39-55) slaves are to be released, not in the seventh

year, but in the year of Jubilee. And during their servitude they must be honourably treated, not as slaves but as hired servants. Further, if an impoverished Hebrew sell himself into slavery to a non-Hebrew, he may redeem himself, or be redeemed, at any time, the price varying as the distance from the Jubilee. It is also noteworthy that, while the Law of Holiness expresses disapproval of the slavery of Hebrews, and in *vv.* 44 f. it is laid down that slaves may be bought only from foreigners, *Ex.* xxi. and *Deut.* xv. legislate, without a word of disapproval, for the purchase of Hebrew slaves as an incident of ordinary occurrence.

Thus the slave regulations in Exodus, Deuteronomy, and Leviticus respectively represent three different stages in Israelite law.

xvi. 1-17. *The three annual Pilgrimages.* These are commanded in JE (*Ex.* xxiii. 14-17, xxxiv. 18, 22 f.), with the injunction that all Hebrew males are to appear three times in the year "before the Lord Jehovah." As in the case of the slave who was brought "before God," this must have meant "at the local sanctuary." The Deuteronomist confines the three celebrations to the one central sanctuary.

With the first of them (the Festival of Unleavened Cakes) he appears to combine the Passover, as in *Ezek.* xlv. 21. In the earlier laws they are treated separately (*Ex.* xii. 21-23, xiii. 6 f.); and to this distinction the Priests' code afterwards reverted, the Passover being on the 14th day of the month, and the Festival of

Unleavened Cakes beginning on the next day (Lev. xxiii. 5 f. [H], Ex. xii. 18 f., Num. xxviii. 16 f. [P]). These differences correspond exactly to the different conditions reflected in the several codes. When a local sanctuary was always available, the Passover could be killed (and unleavened cakes eaten) at home on the 14th, and the Pilgrimage (for sacrifice and the eating of unleavened cakes) made to the sanctuary on the 15th. When only one sanctuary was allowed, this became impossible; so the Passover was combined with the Pilgrimage, and nothing is said in Deuteronomy (or Ezekiel) of the ceremony of striking the blood on the door-posts of the houses. The Priests' law, on the other hand, contemplates only the small community settled in or near Jerusalem, and the Passover could again be a domestic rite, followed by the pilgrimage on the next day. Finally, by the time of our Lord the conditions were again changed; Jews came from far distances, and celebrated the Passover and the Pilgrimage together, at the capital. Mr. Griffiths (p. 16) offers another explanation for the differences in the codes.<sup>1</sup> Since it was impossible, after the arrival in Canaan, to kill the Passover at home on the 14th, and then to repair to the one sanctuary on the 15th, the priestly laws in Exodus (xii. 3 ff.), Leviticus (xxiii. 5 f.), and Numbers (xxviii. 16 f.) were, he holds, intended only for the desert, where everyone could repair to the Tabernacle; and

<sup>1</sup> Dr. Orr does not recognise the differences. He speaks of "the passover or feast of unleavened bread" (*Probl. of O.T.*, p. 320).

they were abrogated in Deuteronomy when Canaan was reached. But, as in the case of the slave law, the Passover law both in JE (Ex. xii. 23) and P (Ex. xii. 7) speaks quite clearly of *houses* with door-posts and lintels, and therefore refers, no less than Deuteronomy, to life in Canaan. Moreover P implies that the Passover is to be observed "according to all its statute" (Num. ix. 12) by future generations (*v.* 10, "or of your generations"); and the references to "the man who is not on a journey" and to "him that is born in the land" also obviously imply residence in Canaan.

xviii. 1-8.—*Levites*.<sup>1</sup> (a) Their *Status*.

The passages in Deuteronomy where the "Levites" are mentioned have been enumerated on pp. 23, 28. It is important to notice that the terms "Levites" and "priests" are employed without distinction for the same persons.

The principal passages are so important that they are here printed *in extenso* :

xviii. 1-8. "1 The priests, the Levites, the whole of the tribe of Levi, shall not have portion or inheritance with Israel; the fire-offerings of Jehovah and his inheritance they shall eat. 2 And an inheritance he shall not have among his brethren; Jehovah is his inheritance,<sup>2</sup> as he hath spoken

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<sup>1</sup> Here, and in the sequel (except where the context shews the contrary), the term "Levite" is used in the sense which it bears in Deuteronomy, *viz.* to denote any and every member of the tribe of Levi, *including* the priests. In P, as explained, it has a different sense; it denotes there the inferior members of the tribe only, *excluding* the priests.

<sup>2</sup> *i.e.* the altar perquisites and other dues, which he receives as Jehovah's representative.

unto him. 3 And this shall be the due of the priests from the people, from them that offer a sacrifice, whether ox or sheep: namely (lit. 'and'<sup>1</sup>) one shall give to the priest the shoulder, and the two cheeks, and the maw. 4 The first (fruits) of thy corn, of thy wine, and of thine oil, and the first (fruits) of the fleece of thy flock, thou shalt give to him. 5 For him hath Jehovah thy God chosen out of all thy tribes, *to stand to minister in the name of Jehovah*, he and his sons for ever. 6 And when a Levite cometh from one of thy gates out of all Israel, where he sojourneth, and cometh with all the desire of his soul unto the place which Jehovah shall choose, 7 he shall *minister in the name of Jehovah* his God, as all his brethren the Levites do, which *stand there before Jehovah*. 8 Like portions shall they eat, beside his sellings according to (?) the fathers."<sup>2</sup>

Compare x. 8, 9. 8. "At that time Jehovah separated the tribe of Levi, to bear the ark of the covenant of Jehovah, *to stand before Jehovah, to minister unto him, and to bless in his name*, unto this day. 9. Therefore Levi hath not portion or inheritance with his brethren; Jehovah is his inheritance, as Jehovah thy God hath spoken unto him."

xvii. 12. "And the man that doeth presumptuously, in not hearkening unto the priest that *standeth to minister there unto Jehovah thy God*, or unto the judge, that man shall die."

xxi. 5. "And the priests, the sons of Levi, shall draw near; for them hath Jehovah thy God chosen *to minister unto him, and to bless in the name of Jehovah*."

Every member of the tribe of Levi could thus exercise the functions, and receive the privileges of a priest.

<sup>1</sup> For this construction cf. Num. iv. 5 (סִנִּי); and see Gesen.-Kautzsch, § 112 mm. 116 w.

<sup>2</sup> See p. 78.



xviii. 1 is quite explicit: "the priests, the Levites, the whole tribe of Levi." The three terms are in apposition, the R.V. rightly adding the explanatory "*even*," but wrongly suggesting "Or, *and*" in the margin. In P the Levites are "inferior members of the tribe, who are assigned various subordinate duties in connexion with the Tabernacle (Num. iii.-iv., xviii. 1-7), but are peremptorily forbidden to intrude upon the office of priest (Num. iv. 20, xvi. 7b-11, 40, xviii. 7)." <sup>1</sup> In Deut. xviii. 1b, 2b, the *whole* tribe is to receive the altar dues which in Num. xviii. 20 are reserved for the priests alone. If there is any difference discernible between Levites and priests in Deuteronomy, it is only that the former denotes a body (the whole tribe), the latter an office (those Levites who are actually employed at any given time in sacred functions at the single sanctuary). In xxi. 5 "the priests the sons of Levi" perform a function which is not at the sanctuary. After having employed in xviii. 1 a three-fold description—"priests, Levites, all the tribe of Levi"—the Deuteronomist reverts to each of the three in the following verses. He calls them *priests* in v. 3, *Levites* in v. 7, and he explains in v. 5 why the priest is to receive dues from the people—"for *him* hath Jehovah thy God chosen *out of all thy tribes*." The function of the priest, chosen out of all the tribes, is "to stand to minister in the name of Jehovah"; and the privilege of the Levite who comes up to Jerusalem is to "minister in the

<sup>1</sup> Driver, *Deut.*, p. 219.

name of Jehovah his God, as all his brethren the Levites do, which stand there before Jehovah." It would be difficult for human language to make the identification of priest and Levite more complete. And yet Mr. Griffiths can state categorically (p. 72) that "xviii. 6-8 does not invest the Levites with *priestly* but with *Levitical* functions"! The passages which he cites (p. 119) from P in Numbers and from 1, 2 Chronicles and Ezra in no way justify his negative statement, and cannot blur the luminous clearness with which the Deuteronomist expresses his meaning. These passages are taken from Dr. Orr's *Problem of the O. T.*, p. 192. But both writers misunderstand the facts. To *stand before* is in Hebrew an idiomatic expression meaning to *wait upon* (cf. 1 Sam. xvi. 22, 1 Kings x. 8, xii. 8);<sup>1</sup> and to *stand before Jehovah* (Deut. x. 8, xviii. 7) is a high dignity reserved for prophets (1 Kings xvii. 1, 2 Kings iii. 14)<sup>2</sup> and priests (Jud. xx. 28,<sup>3</sup> Ezek. xlv. 15, 2 Chron. xxix. 11). On the other hand the Levites are said to *stand before the congregation* or *the people* (Num. xvi. 9, Ezek. xlv. 11), *i.e.* to perform menial duties for them, such as imply no privilege or dignity, but rather the reverse.<sup>4</sup> Mr. Griffiths is inexact. He omits to

<sup>1</sup> These passages speak of David, whom Saul desires to have as an attendant at his court, and of the courtiers in attendance upon Solomon and Rehoboam.

<sup>2</sup> Elijah and Elisha both say "As Jehovah . . . liveth, before whom I stand."

<sup>3</sup> "Phinehas . . . stood before it [the ark] in those days."

<sup>4</sup> It is not always realised how menial, and sometimes unsavoury, those duties were: *e.g.* cleaning vessels, and the sacred precincts

mention Jud. xx. 28, Ezek. xlv. 15; and in 1 Chron. xxiii. 30, Neh. xii. 44 (which he cites as referring to Levites as well as priests) the expression "stand before Jehovah" does not occur. In the case of 2 Chron. xxix. 11, which he also cites, the context must be noticed. Hezekiah is represented (v. 4) as addressing a mixed company of priests and Levites, and bidding them (v. 5) purify the temple from its uncleanness. At the close of his speech he says (v. 11), "My sons, be not now negligent: for you hath Jehovah chosen to stand before him, to minister to him, and to be to him ministers and incense-burners." After this the Levites (v. 12) and the priests (v. 16) are described as respectively setting about their work, the priests going into the inner part of the temple, bringing out its uncleanness into the court, and the Levites taking it thence to throw it away. Now from this passage *alone*, since both priests and Levites are present, it could not be determined which part of v. 11 refers to the one, and which to the other. This can be done only by taking into account the way in which either are spoken of elsewhere. To "stand before Jehovah" implies, as we have seen, a high prerogative: in Ezek. xlv. 15 (cited below) it is said of

generally; opening the doors daily; looking after all the furniture; personal service to the priests (which might involve almost any servile work); roasting, baking, and boiling food; carrying food to the congregation; killing and flaying sacrificial victims. See 1 Chron. ix. 27-29, 31, 32, xxiii. 28-32, 2 Chron. xxxv. 11-14. The highest duty assigned to them (not, however, in P, and first mentioned by the Chronicler) was to "thank and praise Jehovah" in song (1 Chron. xxiii. 30, and elsewhere).

the priests, in pointed contrast with the Levites, who are said (*v.* 11) only to “stand before *the people*” for menial duties: nowhere in P, Ezekiel, or Chronicles are the Levites (in their sense of the word) ever spoken of in terms implying such distinction. It is therefore arbitrary, and contrary to the whole view of P and Chronicles, to refer it, as Dr. Orr does, to the Levites. Again, to “burn incense” was an exclusive privilege of the priests (Num. xvi. 40); *cf.* 1 Chron. xxiii. 13: “and Aaron was separated, that he should sanctify the most holy things, he and his sons for ever, to burn incense before Jehovah, to minister to him, and to bless in his name, for ever.” Once more to “minister to Jehovah” is said, in Chronicles and elsewhere, of the priests; in one passage only is it used of the Levites: 1 Chron. xv. 2, “them hath Jehovah chosen to carry the ark of God, and to minister to him for ever.” To “minister,” absolutely, might be said of either Levites (*e.g.* 1 Chron. xvi. 4) or priests (Ezek. xlii. 14, Exod. xxviii. 35 *al.*), and no doubt in Hezekiah’s speech it is thought of as referring to the Levites. To “minister to *Jehovah*,” said in Deut. x. 8 of the tribe, is used distinctively of the service of the priests (Deut. xxi. 5, Ezek. xl. 46,<sup>1</sup> xliv. 15 f., xlv. 4, Joel i. 9, 13, 1 Chron. xxiii. 13, 2 Chron. xiii. 10): *cf.*,

<sup>1</sup> “And the chamber whose prospect is toward the north is for the priests, the keepers of the charge of the altar: these are the sons of Zadok, which from among the sons of Levi come near to Jehovah to minister unto him.”

of the priests, "to minister *before Jehovah*" (Deut. xvii. 12). And "to minister *in the name of Jehovah*," said in Deut. xviii. 7 of the "Levite" who comes from the country to take part in the worship at the central sanctuary, is used in v. 5 of the priest, parallel with "stand before Jehovah." To minister *in the name of Jehovah* obviously implies a higher prerogative than even to minister *to Jehovah*, and reminds us of to "bless *in the name of Jehovah*," a function ascribed to the tribe generally in Deut. x. 8, but also a well-known priestly privilege, Deut. xxi. 5, 1 Chron. xxiii. 13 (in the latter passage (quoted above) expressly limited to descendants of Aaron, in accordance with the view of P which prevailed when the chronicler wrote); cf. Lev. ix. 22, Num. vi. 23. On the other hand, the Levites are said to minister *to the priests* (Num. iii. 6, xviii. 2; see 1 Chron. xxiii. 28-32), *before the priests* (2 Chron. viii. 14), *to the tabernacle* (Num. i. 50), or *to the people* (Num. xvi. 9, Ezek. xliv. 11b; see 2 Chron. xxxv. 11-14).

It is therefore idle to argue that to "stand before Jehovah" and to "minister in the name of Jehovah" mean no more than to "stand" and to "minister" simply. Dr. Orr's note on pp. 191 f. diverts the reader's attention from the real point.

Mr. Griffiths raises some further objections which may be briefly noticed. "Deuteronomy," he writes, "consistently teaches not that all but *only* the tribe of Levi may exercise priestly functions." No passages are adduced to prove this, and impartial readers must

be left to judge of the truth of it in face of xviii. 1-7. " 'Him and his house for ever' (xviii. 5) implies a hereditary priesthood which is absolutely inexplicable apart from Leviticus and Numbers." Why? It was very natural that fathers should teach their sons the duties of the office. The priesthood was probably not hereditary in the early days of Israel. But whether that was so or not, it could quite easily become so without the authoritative laws to that effect in Leviticus and Numbers. Once more, Mr. Griffiths adduces xxvii. 12, where the tribe of Levi *seems* to be treated as a lay tribe, while immediately before and after "the priests the Levites" (v. 9) "the Levites" (v. 14), distinct from the laity, have an official function. But *if* vv. 11-13 are irreconcilable with the remainder of the chapter and with the whole book, it is more natural to suppose that they are an insertion by a priestly writer than to explain away, by hazardous means, an army of facts in order to square them with v. 12.

The priestly status of the Levites in Deuteronomy agrees with the description of Jeroboam's offence (1 Kings xii. 31), that he "made priests from among all the people, which were not of the *sons of Levi*"; had P written the passage, he would have said "which were not of the *sons of Aaron*." According to P, any "sons of Levi" who were not also descendants of Aaron were stringently excluded from the priesthood (Num. xvi. 9 f., 40; *cf.* iii. 10), and were in peril of death if they so much as touched the altar or other



sacred things (Num. iv. 15, 19 f., xviii. 3). It is also borne out by Ezek. xliv. 6-16:

“6 Thus saith the Lord Jehovah: Enough of all your abominations, O house of Israel! 7 in that ye have brought in foreigners, uncircumcised in heart and uncircumcised in flesh, to be in my sanctuary, to profane it, (even) my house, when ye offer my food, fat and blood, and ye<sup>1</sup> have broken my covenant, (to add) to all your abominations. 8 And ye have not kept the charge of my holy things; but ye have set (them) to be keepers of my charge in my sanctuary, for yourselves. 9 Thus saith the Lord Jehovah: No foreigner, uncircumcised in heart and uncircumcised in flesh, shall come into my sanctuary,—no foreigner that is in the midst of the children of Israel. 10 But as for the Levites, who went far from me, in the erring of Israel wherewith they erred from me after their idols, they shall bear their iniquity. 11 And they shall be in my house, ministering as overseers at the gates of the house, and ministering to the house; they shall slay the burnt-offering and the sacrifice for the people, and they shall wait upon<sup>2</sup> them to minister unto them. 12 Because they used to minister unto them before their idols, and used to be to the house of Israel a stumbling-block of iniquity, therefore I have lifted up my hand<sup>3</sup> against them, saith the Lord Jehovah, and they shall bear their iniquity. 13 And they shall not come near unto me, to execute the office of a priest unto me, nor to come near to any of my holy things, unto the most holy things; but they shall bear their shame, and the abominations which they have wrought. 14 And I will make them keepers of the charge of the house, for all the service thereof, and for all that is done therein.

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<sup>1</sup> So LXX, Pesh., Vulg., as required by the sense. The Heb., differing only in a single letter, has *they*.

<sup>2</sup> Lit. “stand before” (see p. 70).

<sup>3</sup> *i.e.* I have sworn (*cf.* Ezek. xx. 5, 6, 15, &c.).

15 But the priests, the Levites, the sons of Zadok, that kept the charge of my sanctuary, when Israel erred from me, they shall approach unto me to minister unto me, and they shall wait upon<sup>1</sup> me to offer unto me fat and blood, saith the Lord Jehovah; 16 they shall enter into my sanctuary, and they shall approach my table, to minister unto me, and they shall keep my charge."

The commands here laid down form part of Ezekiel's scheme (chs. xl.-xlviii.), which he framed during the exile in Babylon, for the future organization of the Jewish church.

The words "shall not come near unto me, to execute the office of a priest unto me, nor to come near to any of my holy things" clearly mean that prior to the time of Ezekiel the Levites *had* executed the office of priest. They were now, as a punishment for their former idolatry, to be permitted only to exercise an inferior office, namely, to act as gate-porters of the temple (*v.* 11), to keep the charge of it, *i.e.* to do other menial duties about it (*vv.* 11, 14), and also to slay the sacrifices for the people, and in other ways to minister to them, and to wait upon them. The priests, on the other hand, who (*vv.* 15, 16) are sharply distinguished from them, were to minister to Jehovah, and to wait upon him, by offering the sacrifices, and by entering into the temple to perform other priestly duties. Thus we see the functions of the "Levites" reduced, in this passage, from those which they enjoyed in Deuteronomy to those to which they were

<sup>1</sup> Lit. "stand before" (see p. 70).

limited in P; and the term "Levite" acquiring in consequence a correspondingly narrower meaning.

A glimpse of the circumstances which probably led to the degrading of the Levites is afforded by 2 Kings xxiii. 9: "Nevertheless the priests of the high places used not to come up unto the altar of Jehovah in Jerusalem; but they [only] ate unleavened cakes among their brethren." The writer is here describing the state of things brought about by Josiah's disestablishment of the high places. Owing to this disestablishment, Deut. xviii. 6-8 gave to the country "Levites" the same *rights*, when they came to Jerusalem, as the priests on the spot. But the latter would be very loth to share their rights with others. So that, in point of fact, the country priests, while sharing in the *maintenance* of "their brethren," the Jerusalem priests, received few, or none, of their privileges, and were degraded to an inferior position. On the whole question of the Levites see further Rob. Smith, *O. T. in the Jewish Church*, ed. 2, pp. 359-363.

(b) *Maintenance of the Levites.*<sup>1</sup>

The Levites in pre-exilic times possessed, as a rule, no landed property, and were, as a body, poor. They lived scattered in all parts of the country, dependent upon the charity of Israel to which the Deuteronomist frequently commends them (see pp. 22, 23); *e.g.* in xviii. 6 the case is supposed of a Levite who comes "from any of thy gates out of all Israel, where he sojourneth."

<sup>1</sup> Still used in the Deuteronomic sense explained above.

(Cf. Jud. xvii. 7 ff., xix. 1; Gen. xlix. 7.) The only exception suggested in Deuteronomy to their complete lack of property is in the very obscure sentence in xviii. 8, rendered in the R.V. "beside that which cometh of the sale of his patrimony." But a reference to the Hebrew will shew how uncertain this rendering is. The Hebrew literally means "beside his sellings according to<sup>1</sup> the fathers." We may possibly gather from this that Levites could get money by selling something to somebody; but there is nothing to shew that it was landed, or hereditary, property, or that this means of raising money was necessarily available for every Levite. Dillmann, who, though a critic, did not accept Wellhausen's distinctive critical position, rejected the meaning "patrimony," and, taking "fathers" to stand for "fathers' houses," *i.e.* families, thought that the words might refer to dues in kind, which particular families paid to a "Levite" in virtue of his office, and which he could dispose of for money when he left home. Mr. Griffiths (p. 75) bravely accepts the rendering of the R.V. without a qualm, and understands the passage to be a recognition of "something very like" the institution of Levitical cities. It was not, of course, impossible for individual members of the tribe to acquire land. Abiathar (1 Kings ii. 26) and some priests in Jeremiah's time, including Jeremiah himself (Jer. i. 1, xxxii. 9), possessed land at Anathoth, near Jerusalem. But these exceptions do not warrant Mr. Wiener's dilemma (*Studies in Bibl. Law*, pp. 18-22):

<sup>1</sup> Even the meaning of the preposition (*al*) is here doubtful.

if the Levites were identical with priests, they must have had landed property; if they had no landed property, they were not identical with priests. The institution of Levitical cities is a point at which P diverges widely from Deuteronomy. In the ecclesiastical community for which P provides, the Levites have ceased to be poor dependents. In Num. xxxv. forty-eight cities are assigned to them, with a piece of pasture-land surrounding each to the extent of 2000 cubits (1000 yards) on all four sides. This law is assumed in Lev. xxv. 32-34, and Josh. xxi. (P) relates the fulfilment of it. Mr. Griffiths here explains that not *only* the Levites lived in the forty-eight cities; they were but sojourners in them, instead of having a separate tribal district of their own. This not only involves the curious conclusion that all the commands to treat the Levites charitably, which are scattered throughout the book, apply only to the inhabitants of forty-eight cities, but it also disregards the plain statement in Numbers that the cities and their environs are to be *given* to the Levites, in which case they needed no charity. In what sense can Hebron and Debir (two of the specified cities) be said to have been given to the Levites, when they were appropriated (according to earlier statements) by Caleb and Othniel respectively (Josh. xv. 13-19, Jud. i. 8-15, 20)? Hebron was *given* to Caleb in obedience to Moses' express injunction (Jud. i. 20). "Given" must imply landed possession in the one case as in the other. Moreover Gezer (another Levitical city, according to Josh. xxi.)

was not conquered till the time of Solomon (1 Kings ix. 16).

xiv. 22-29. *Tithes*. (Cf. xii. 6, xxvi. 12 ff.) JE has no law on the subject; it enjoins only the offering of firstfruits (see p. 56). But the Deuteronomic law differs seriously from that in Lev. xxvii. 30-33, Num. xviii. 21-32 (P). In Deut. xiv. 23 it is stated explicitly that the *worshippers themselves* with their households and the Levite (vv. 26 f.) are to eat their vegetable tithe (this being the *only* tithe mentioned in Deuteronomy) at the sanctuary. And once in three years (vv. 28, 29) the tithe is to be stored up at home, for the Levite, the sojourner, the orphan, and the widow—i.e. it is to be devoted wholly to charity. That is to say, the Levites, as being in need of charity, had only *part* of it every year, the rest being eaten by the laity. But in Numbers the *whole* of the tithe is paid to the Levites, and they pay a tenth of it to the priests. And in Leviticus it is laid down that no layman may appropriate any portion of his tithe without paying a fixed sum for redemption; and to vegetable tithe is added a tithe on the herd and flock. Lev. xxvii. 32 f. may be a later addition to P (see Driver, *Deut.*, p. 170); but even the law in Numbers clearly belongs to a time later than Deuteronomy, when the ecclesiastical officials were no longer dependent upon private charity. By their exclusive position at the one sanctuary they had advanced in importance, and received for their maintenance fixed dues of considerable amount and value. Mr. Griffiths objects that "such a change could not



have taken place without a very strong protest on one side or the other." Very probably. The gradual increase of ecclesiastical demands, calling for strong protests, was a notable feature in the mediæval history of the Christian Church; and it cannot be pronounced improbable in the Jewish Church. The harmonizing expedient, found as early as Tobit i. 7, and Josephus, *Ant.* IV. viii. 22, and adopted by Rabbinic writers, is still offered in spite of its intrinsic improbability—*i.e.* that there were *two* tithes, one levied on all produce and given to the Levites, and the other on the remaining nine-tenths of the vegetable produce only,<sup>1</sup> and appropriated not to the priestly tribe, but to sacred meals in which the worshipper himself and his household were the chief guests, and to charity. Is it conceivable that Moses, some forty years after commanding a payment of tithes at Sinai, in speaking to the people gave no sort of explanation or reminder of the earlier regulation, but employed, in three passages in Deuteronomy, the misleading word "tithe," when he really meant a *second* tithe, made not on the whole produce but on the remainder after the first tithe was paid?

xv. 19–23. *Firstlings*. This is another instance in which the Deuteronomic law shows signs of being later than that in JE and earlier than that in P. In Ex.

<sup>1</sup> The LXX rendering in Deut. xxvi. 12, τὸ δεύτερον ἐπιδέκατον, might be thought a still earlier attempt at harmonization, if it were not so obviously a mistranslation of שְׁנַת הַמַּעֲשֵׂר, "the year of the tithe." "The second tithe" could represent only הַמַּעֲשֵׂר הַשֵּׁנִי, which is very unlikely to have arisen by corruption in the Hebrew text.

xxii. 30 [29] the firstlings are commanded to be offered to God on<sup>1</sup> the eighth day from birth. This could be done as long as an altar was everywhere near at hand. But when the law of the single sanctuary was enacted, it became impossible. Hence in Deuteronomy the law of firstlings is modified, and they are to be offered annually (v. 20). In the same verse it is laid down that they are to be eaten at the one sanctuary by the worshipper and his household. But in Num. xviii. 15-18 (P) they are assigned to Aaron (*i.e.* to the Aaronic priests): "And their flesh shall be thine" (with no limitation reserving any part of the flesh for the worshipper): "as the wave-breast and the heave-thigh, it shall be thine" (*i.e.* it is to be the priest's perquisite in the same way as the two specified portions of the peace-offering; Lev. vii. 34). As in the case of tithes (see p. 80), an offering, which in former days supplied a feast at the sanctuary for the worshipper and his household, was demanded as a contribution to the ecclesiastical revenues. The next verse (Num. xviii. 19) adds, as a general principle, a statement which the R.V. renders as follows: "all the heave-offerings [Heb. *tērūmōth*,<sup>2</sup> "contributions"] of the holy things, which the children of Israel offer unto the LORD, have I given thee" [*sc.* the priests]. Mr.

<sup>1</sup> Not "from," as it has sometimes been explained, which does violence to the explicit words: "seven days shall it be with its dam, on the eighth day thou shalt give it to me." When "from" is intended, it is expressed; see Lev. xxii. 27.

<sup>2</sup> *Tērūmāh* denotes something *lifted off* a larger mass, and set apart for some sacred purpose. It is used with many different applications. See, more fully, Hastings' *D.B.*, iii. 588<sup>a</sup>.

Griffiths (pp. 73 f.) refers to a similar statement in Num. v. 9 f., which he says (quoting Mr. Wiener) "is very important, because it not merely explains the difficulties that have been felt as to firstlings, but clearly proves the large measure of spontaneity and free-will attaching to the sacrificial system. 'And every *terumah* (E.V. 'heave-offering') of all the holy things of the children of Israel, which they present unto the priest, shall be his. And every man's holy things shall be his: whatsoever any man giveth the priest it shall be his.' That is to say, the Israelite consumed such holy things as were brought to the religious capital (*e.g.* firstlings) at a sacrificial feast. But *of them*<sup>1</sup> he gave a *terumah* (consisting of such animals or amounts as he might choose) to the priest. The subsequent disposition of this *terumah* it is that is regulated by Num. xviii." But Mr. Griffiths arrives at this conclusion through a misunderstanding of the Hebrew construction. He takes "the *terumah of the holy things*" to have a partitive meaning, as though the contribution formed only a portion *taken from* the holy things. But this would require the preposition מִן, "from." In Num. xviii. 19 "the contribution of the holy things"<sup>2</sup> means "the contribution *consisting of* the holy things"; the two words are in apposition,<sup>3</sup> as in "the people *of* Israel," "the virgin *of* the daughter of Zion" (Is. xxxvii. 22), "the

<sup>1</sup> The italics are mine.

<sup>2</sup> תְּרוּמַת הַקֹּדֶשִׁים

<sup>3</sup> Dillmann (quoting Knobel) and even Keil recognize that this is the true explanation.

city of London." In Num. v. 9 (which is clearly explained by v. 10a) the meaning is the same, but instead of the genitival construction the Hebrew has the preposition ל as its equivalent. The contradiction, therefore, between Deuteronomy and Numbers, which Mr. Griffiths says "is more apparent than real," remains.

xviii. 1, 3. *Fire-offerings*. The law is concerned with peace-offerings (*shēlāmīm*; perhaps better, "thank-offerings"). These were the sacrifices in which the animal was not offered entire to God, but part was reserved for a sacrificial feast. To God was given the blood, and, at a later time, the internal fat, and the worshipper had the rest; but he gave portions to the priest (*cf.* 1 Sam. ii. 13 f.). In Deuteronomy these portions consist of "the shoulder, the two cheeks, and the maw." But in P (Lev. vii. 32-34) they are the breast and the right thigh—a somewhat larger ecclesiastical demand. Three attempts to explain away the difference are noted by Dr. Driver (*Deut. ad loc.*), and shewn to be untenable. But Mr. Griffiths still brings forward the second of these—*i.e.* that the priestly dues in Deuteronomy are intended to be *additional* to those in Leviticus. He leaves unnoticed Dr. Driver's remark: "had it been the intention of v. 3 to prescribe something *additional* to what had been usual, this would surely have been indicated more distinctly; as the verse stands ('and this' not 'and this *also*') it can only be legitimately understood, like v. 4, as explanatory of v. 1b"; and he suggests that the additional

character of the Deuteronomic dues to the priests "is confirmed by Deut. xviii. 2, 'the Lord is their inheritance, *as He hath said unto them,*' which implies not only the prior existence of a law on this subject (*cf.* Num. xviii. 20), but also that Israel was *already* acquainted with it." But in Num. xviii. 20 the words "I am thy portion and thine inheritance among the children of Israel" are said to Aaron (*i.e.* the *priests*) *alone*, while the "inheritance" of the Levites (*i.e.* the other members of the tribe) is specified separately (*vv.* 21-24). Deut. xviii. 2 is substantially identical with x. 9; but no passage exactly like it occurs before in the existing Pentateuch. Similar passages, however, occur in Deuteronomic parts of Joshua: see xiii. 33, "Unto the tribe of Levi Moses gave no inheritance; Jehovah, the God of Israel, is their inheritance, as he spake unto them"; and xviii. 7.

Enough has been said to shew that there are very strong reasons which have convinced the majority of Old Testament students at the present day that Deuteronomy marks a stage in the religious history of Israel later than JE and earlier than the Law of Holiness in its present form, and P.<sup>1</sup>

<sup>1</sup> This in no way conflicts with the statement on p. 6 that P contains early as well as late elements. Some of the pre-exilic usages mentioned in P are also found, often in an earlier form, in Deuteronomy. See pp. 86-89.

## SYNOPSIS OF LAWS IN DEUTERONOMY

JE (Exod.)	DEUTERONOMY	P (including H) (LEV.—NUM.)
xx. 2-17 . . . . .	v. 6-18 (21) The Decalogue	Lev. xvii. 1-9
xx. 24. . . . .	xii. 1-28 (place of sacrifice) . . . . .	Num. xxxiii. 52
cf. xxiii. 24 ; xxxiv. 12, } 15f . . . . .	xii. 29-31 (not to imitate Canaanite rites) . . . . .	
cf. xxii. 20 . . . . .	xiii. (cases of seduction to idolatry)	Lev. xix. 28a
	xiv. 1, 2 (disfigurement in mourning) . . . . .	" xi. 2-23 ; xx. 25
	xiv. 3-20 (clean and unclean animals) . . . . .	" xvii. 15 ; xi. 40
xxii. 31. . . . .	xiv. 21a (food improperly killed) . . . . .	
xxiii. 19b ; xxxiv. 26b .	xiv. 21b (kid in mother's milk)	{ " xxvii. 30-33 ; Num. xviii.
	xiv. 22-29 (tithes) . . . . .	21-32
xxiii. 10f . . . . .	xv. 1-11 (year of Release) . . . . .	Lev. xxv. 1-7
xxi. 2-11 . . . . .	xv. 12-28 (Hebrew slaves) . . . . .	" xxv. 39-46
xxii. 30 ; xiii. 12 ; xxxiv. } 19 . . . . .	{ xv. 19-23 (firstlings of ox and sheep : cf. xii. 6, 17, 18 ; xiv. 23) . . . . .	{ Num. xviii. 17f (cf. Ex. xiii. 1 ; Lev. xxvii. 26 ; Num. iii. 13 ; viii. 17)
xxiii. 14-17 ; xxxiv. 18, } 20 end, 22-24 . . . . .	xvi. 1-17 (the three annual Pilgrimages) . . . . .	Lev. xxiii. ; Num. xxviii., xxix.
xxiii. 1-3, 6-8 . . . . .	xvi. 18 (appointment of judges)	
	xvi. 19, 20 (just judgment) . . . . .	" xix. 15
	xvi. 21, 22 (Asberahs and "pillars" prohibited) . . . . .	" xxvi. 1
xxii. 20 ; xx. 3 ; xxiii. } 13 ; xxxiv. 14 . . . . .	{ xvii. 1 (sacrifices to be without blemish : cf. xv. 21) xvii. 2-7 (worship of "other gods," or of the host of heaven) xvii. 8-13 (supreme tribunal)	" xxii. 17-24



xxii. 18 (sorceress alone)		xviii. 10a (Molech-worship: <i>cf.</i> xii. 31)	
xxi. 12-14	.	xviii. 10b-11 (different kinds of divination and magic)	
xxiii. 1	.	xix. 1-13 (asylum for manslayer: murder)	
	.	xix. 14 (the landmark)	
	.	xix. 15-21 (law of witness)	
	.	xx. (military service and war: <i>cf.</i> xxiv. 5)	
	.	xxi. 1-9 (expiation of an untraced murder)	
	.	xxi. 10-14 (treatment of female captives)	
	.	xxi. 15-17 (primogeniture)	
<i>cf.</i> xxi. 15, 17	.	xx. 18-21 (undutiful son)	
	.	xxi. 22, 23 (body of malefactor)	
xxiii. 4, 5	.	xxii. 1-4 (animals straying or fallen: lost property)	
	.	xxii. 5 (sexes not to interchange garments)	
	.	xxii. 6, 7 (bird's nest)	
	.	xxii. 8 (battlement)	
	.	xxii. 9-11 (against non-natural mixtures)	
	.	xxii. 12 (law of "tassels")	
	.	xxii. 13-21 (slander against a newly-married maiden)	
xx. 14	.	xxii. 22-27 (adultery)	
xxii. 16f	.	xxii. 28f (seduction)	
	.	xxiii. 1 (xxii. 30) (incest with stepmother)	
	.	xxiii. 2-9 (1-8) (conditions of admission into the theocratic community)	

JE (Exod.)	DEUTERONOMY	P (including H) (LEV. - NUM.)
xxii. 25 . . .	xxiii. 10-15 (9-14) (cleanliness in the camp). xxiii. 16 (15) <i>f</i> (humanity to escaped slave) xxiii. 18 (17) <i>f</i> (against religious prostitution) xxiii. 20 (19) <i>f</i> (usury) . . . . . xxiii. 22-24 (21-23) (vows) . . . . . xxiii. 25 (24) <i>f</i> (regard for neighbour's crops) xxiv. 1-4 (divorce) xxiv. 6, 10-13 (pledges) xxiv. 7 (man-stealing) xxiv. 8 <i>f</i> (leprosy) . . . . . xxiv. 14 <i>f</i> (wages of hired servants not to be detained) . . . . .	Num. v. 1-4  Lev. xxv. 35-37 Num. xxx. 2
xxii. 26 <i>f</i> . . . xxi. 16 . . .	{ xxiv. 16 (the family of a criminal not to suffer with him) xxiv. 17 <i>f</i> (justice towards sojourner, widow and orphan) . . . . . xxiv. 19-22 (gleanings) . . . . . xxv. 1-3 (moderation in infliction of the bastinado) xxv. 4 (threshing ox not to be muzzled) xxv. 5 10 (levirate-marriage) xxv. 11, 12 (modesty in women) xxv. 13-16 (just weights) . . . . . xxv. 17-19 (Amalek) xxvi. 1-11 (thanksgiving at the offering of first- fruits) . . . . .	Lev. xlii., xiv. " xix. 13
xxii. 21-24; xxiii. 9 .	{ xxiv. 16 (the family of a criminal not to suffer with him) xxiv. 17 <i>f</i> (justice towards sojourner, widow and orphan) . . . . . xxiv. 19-22 (gleanings) . . . . . xxv. 1-3 (moderation in infliction of the bastinado) xxv. 4 (threshing ox not to be muzzled) xxv. 5 10 (levirate-marriage) xxv. 11, 12 (modesty in women) xxv. 13-16 (just weights) . . . . . xxv. 17-19 (Amalek) xxvi. 1-11 (thanksgiving at the offering of first- fruits) . . . . .	" xix. 33 <i>f</i> " xix. 9 <i>f</i> ; xxiii. 22
xvii. 14 . . . cf. xxii. 29 <i>a</i> ; xxiii. 19 <i>a</i> ; } xxxiv. 26 <i>a</i> . . . }	{ xxiv. 16 (the family of a criminal not to suffer with him) xxiv. 17 <i>f</i> (justice towards sojourner, widow and orphan) . . . . . xxiv. 19-22 (gleanings) . . . . . xxv. 1-3 (moderation in infliction of the bastinado) xxv. 4 (threshing ox not to be muzzled) xxv. 5 10 (levirate-marriage) xxv. 11, 12 (modesty in women) xxv. 13-16 (just weights) . . . . . xxv. 17-19 (Amalek) xxvi. 1-11 (thanksgiving at the offering of first- fruits) . . . . .	" xix. 35 <i>f</i>  cf. Num. xviii. 12 <i>f</i>

xxiii. 20-33 . . .	{ xxviii. (peroration, presenting motives for the observance of the Code) . . . }	Lev. xxvi. 3-45
xx. 4, 23; xxxiv. 17 . . .	iv. 16-18, 23; vii. 25 (against images) . . .	" xix. 4b; xxvi. 1
xxiii. 12b . . .	v. 14b (philanthropic object of Sabbath) . . .	"
cf. xiii. 9, 16 . . .	vi. 8; xi. 18 (law of frontlets) . . .	"
xx. 3; xxiii. 13; xxxiv. 14 . . .	vi. 14; xi. 16 (against "other gods") . . .	" xix. 4a
xiii. 14 . . .	vi. 20f (instruction to children) . . .	Num. xxxiii. 55
xxiii. 24a, 32f; xxxiv. 12, 15f . . .	vii. 2-4, 16 (no compact with Canaanites) . . .	" xxxiii. 52
xxiii. 24b; xxxiv. 13 . . .	{ vii. 5; xii. 3 (Canaanite altars, "pillars," &c., to be destroyed) . . . }	{ Lev. xi. 44f; xix. 2; xx. 7, 26; Num. xv. 40
xix. 6; xxii. 30 . . .	{ vii. 6; xiv. 2, 21; xxvi. 19; xxviii. 9 (Israel a "holy people") (in different connexions) . . . }	Lev. xix. 34
xxii. 21; xxiii. 9 . . .	x. 19 (to love the "sojourner") . . .	{ " xvii. 10-14; xix. 26a (cf. iii. 17; vii. 26f; Gen. ix. 4)
xxiii. 18a; xxxiv. 25a . . .	xii. 16, 23; xv. 23 (blood not to be eaten) . . .	Ex. xii. 8
xiii. 6f; xxiii. 15; xxxiv. 18 . . .	{ xvi. 3a (leavened bread not to be eaten with Passover) . . . }	" xii. 15, 18-20; Lev. xxiii. 6
xxiii. 18b; xxxiv. 25b . . .	{ xvi. 3b, 4a, 8 (unleavened cakes for seven days afterwards) . . . }	Ex. xii. 10; Num. ix. 12
xxi. 23-25 . . .	{ xvi. 4b (flesh of Passover not to remain till morning) . . . }	Lev. xxiii. 34, 39, 41-43
xx. 25 . . .	{ xvi. 13, 15 (feast of "booths"; "seven days") . . . }	Num. xxxv. 30
	{ xvii. 6; xix. 15 ("two or three witnesses") . . . }	Lev. xxiv. 19f
	{ xix. 21 ( <i>lex talionis</i> ) (but in a different application in each case) . . . }	
	{ xxvii. 5, 6 (altars of unhewn stones) . . . }	

There are also in Ex. xx.-xxiii. and Lev. xvii.-xxvi. prohibitions corresponding to most of the imprecations in xxvii. 15-26.

## CHAPTER VI

### THE STYLE OF DEUTERONOMY

A WRITING which thus 'stands in a position midway between the earlier and the later codes, and written with a parenetic or hortatory aim, might be expected to exhibit a distinctive literary style. And this proves to be the case. Readers of Hebrew can appreciate this fact more easily than those who can study the book only in an English translation; but the distinction of style is so marked that a translation cannot obliterate it. It has the easy, flowing eloquence, the smooth, unstudied redundance, of a preacher whose heart is full. Mr. Griffiths says, "The passing of forty years is sufficient to explain a certain difference in style and mode of thought." But this difference, if due to the passing of forty years, ought to be discernible also in Num. xxi. 21-xxxvi. 13, which belong to the end of the forty years. But it is not.

Moreover, if Moses were the author of Deuteronomy, and of the other books of the Pentateuch, not only would the difference of style be surprising, but a large number of archaisms would be expected. Mr. Griffiths (p. 19) states categorically that Deuteronomy "abounds in archaisms."<sup>1</sup> The statement is an amazing one.

<sup>1</sup> The following grammatical forms have been claimed as archaisms.

The epicene **הוא**, i.e. both for "he" and "she," occurs in the present Heb. text 196 times in the Pentateuch; **היא** ("she") only 11

Mr. Griffiths is, as we know, acquainted with Dr. Driver's *Introduction to the Lit. of the O.T.*; it is incredible, therefore, that he cannot have seen his

times. But since all other Semitic dialects have a feminine pronoun with *yōd*, Hebrew must, in its earliest stage, have had a feminine *hī'*. But passages in the LXX indicate that the *plena scriptio* was far from being in general use. The early form was simply **הי** (as on the Moabite stone, and Phœnician and old Aramaic inscriptions), which was read *hū'* or *hī'* as required. At a later time scribes, for some unknown reason, inserted **י** in all the masculine instances in the Pentateuch, and in all the feminine except 11, where they correctly inserted **י**. See Gesen.-Kautzsch, § 32 l, and Ginsburg, *Massorah*, vol. iv. (Engl. transl.) p. 294.

Dr. Wright, who was, till his death in 1889, the leading authority in England on the Semitic languages, agrees (*Compar. Gramm.*, 104)—and no more recent authority has taken a different view—that philology is decisive against **היא** having ever been in Hebrew a real form of the feminine. In a MS. of the "Later Prophets," with the Oriental punctuation, written in A.D. 916, now at St. Petersburg, and edited in facsimile by H. L. Strack, **היא** is used for the fem. 27 times (see the editor's note, p. 026).

**היא** for **האלה**. Deut. iv. 42, vii. 22, xix. 11, Gen. xix. 8, 25, xxvi. 3, 4, Lev. xviii. 27 (*i.e.* 8 times in the Pentateuch). But no weight can be attached to it, since the full form **האלה** occurs about 80 times in the Pentateuch (besides **אלה** about 180 times). Moreover **אל** for **אלה** is found in 1 Chron. xx. 8 (not a quotation) and in Phœnician. The evidence of the cognate languages tends to shew that the variation is merely orthographic, and that **אל** was, in fact, pronounced *ēlleh*, exactly like **אלה**. See Wright, *Comp. Gramm.*, 108, where indeed, it is said that **אל** is the *later* form of the two!

The epicene **נער** (*na'ar*), *i.e.* both for "boy" and "girl." This is the one "archaism" which Delitzsch admits (see below). It occurs for the feminine 8 times in Genesis, and 13 times in Deuteronomy (all in ch. xxii.), the full form *na'arāh* being found in Deut. xxii. 19 only. *Na'ar* was doubtless the earlier form; but one such form cannot prove the archaic character of the Pentateuch. Its use probably extended beyond the Pentateuch; but when the Pentateuch was separated from Joshua and the other books, which was not till long after the exile, its text was probably considered too sacred for emendation, but in other books the more modern and distinctive *na'arāh* was substituted when the feminine was required.

note on p. 125, in which he states that "there are no 'archaisms' either in Deuteronomy, or in the Pentateuch generally, of a character to establish its antiquity." Dr. Driver is unlikely to have made such a statement without having good grounds for it; if, then, Mr. Griffiths found a contradictory statement by another writer, the least that he could have done, in fairness to his readers, was to place the two statements side by side, and determine for himself which of the two was correct. Not only has he not done this, but he has not even told his readers that any opinion other than that which he quotes exists among scholars. The following facts will, it is hoped, show that Dr. Driver's conclusion is perfectly right, and that Mr. Griffiths' assertion is inaccurate and untenable.

Mr. Griffiths, abbreviating a list in Alexander, *Pulpit Commentary, Deuteronomy*, pp. xiv-xvi., names five species of archaisms. Now Alexander's list was taken from Delitzsch's *Commentary on Genesis*, the fourth edition of which appeared in 1872. Delitzsch clung as long as he could to the Mosaic authorship of Deuteronomy, but he was at last convinced by the critical arguments against it. In his *Neuer Commentar über die Genesis* (1887) he definitely abandoned it, insisting, indeed, that Moses must have written in substance the legal code which lies at the basis of Deuteronomy, but holding that Deuteronomy is the prophetic reproduction of an earlier legislation. With regard to archaisms he says (p. 27): "Very



incorrectly have certain linguistic criteria been appealed to as evidence for the equal and high antiquity of the component parts of the Pentateuch." He abandoned his entire list of archaisms with the single exception of *na'ar* (see foregoing footnote).

Mr. Griffiths gives no instances of his first four classes; and they must therefore be sought in the work to which he refers. His first class consists of "words common to Deuteronomy and the rest of the Pentateuch, but rarely (some not at all) found elsewhere in the Old Testament"; and his fourth class of "words and phrases found in the Pentateuch, but which seem to have become obsolete, or to have been regarded as archaic in the times subsequent to that of Samuel." Alexander quotes a number of words to which he attributes this character.<sup>1</sup> But there is nothing whatever to suggest that they are archaic, or that, being ancient, they afterwards fell out of use. The only reason for describing them as archaic is the fact of their occurrence in a book supposed to be ancient. To use them to prove the antiquity of the book is manifestly to argue in a circle.

His second class consists of "grammatical forms and constructions of early date." Besides the three

<sup>1</sup> *e.g.* *shōṭerim* ("officers"), "to turn to the right hand or to the left," "to prolong days," *'issheh* ("fire-offering"), *nekēbhāh* ("female"). But the first of these occurs 6 times in Chron. and Prov. vi. 7; in the next two there is surely nothing distinctive or peculiar (for *to turn*, &c., cf. 2 Kings xxii. 2=2 Chron. xxxiv. 2, and for *to prolong days* cf. 1 Kings iii. 14, Is. liii. 10, Eccl. viii. 13); and how could words such as the last two, which were important in the ritual, have become obsolete?

mentioned in the foregoing footnote, Alexander adduces the following :

ן locale. But this occurs constantly in Judges, Samuel, Kings, Jeremiah, Ezekiel, to say nothing of later books. See Böttcher, *Lehrb. der Hebr. Sprache*, i. 624-7.

ןִמְּנָה. But the same feminine termination occurs sporadically elsewhere. There are seven instances in Ezekiel (iii. 20, vii. 4, 9, xvi. 55 (twice), xxix. 12, xxxiv. 10).

ן— in the 2nd and 3rd plur. imperf. (305 times in the Old Testament, 56 times in Deuteronomy). This is shewn by philology to be the original form of this termination; but the manner in which it occurs in the Old Testament shews that in Deuteronomy it cannot be an archaism. It occurs, *e.g.*, 12 times in Gen., 28 in Ex., never in Levit., 7 in Num., 9 in Josh., 8 each in Jud. and 1 Sam., 15 in 1, 2 Kings, 21 in Is. i.-xxxix., 16 in Is. xl.-lxvi., 53 in the Psalms, 23 in Job, but only 5 in Jerem., and 3 in Ezek.; so that different writers varied in their use of it. It occurs, therefore, in all except the latest books of the Old Testament;<sup>1</sup> it is found, indeed, relatively with the greatest frequency in the late Psalm civ. (15 times in 35 verses). It was evidently a fuller form, employed in all periods of the language, except the latest, to add emphasis or to round off a sentence effectively;

<sup>1</sup> As Lam., Eccl., Est., Dan., Ezra (Heb.), Neh., Chron. (only in 2 Chron. vi. 26, vii. 19, xix. 9, 10—all from Kings). References to all the occurrences will be found in Böttcher, ii. 135 f.

and this affords a natural and adequate explanation of its frequency in Deuteronomy. *Cf.* Gesen.-Kautzsch, § 47 *m*.

וְיָרֵא (Deut. viii. 3, 16; elsewhere only Is. xxvi. 16, where, upon independent grounds, the text is almost certainly corrupt). This stands on a different footing from the יִ- of the imperfect: it is without analogy in the kindred languages, except those that are secondary and late (later than the Christian era). See Gesen.-Kautzsch, § 44 *l*, *note*. How a form which is otherwise known only (if the text is sound) in Is. xxvi. 16, and from dialects later than the Christian era, can be adduced as an "archaism," baffles comprehension. In fact, it is probably nothing more than a clerical error: but, *assuming* its correctness, it is evidently not an archaism.

לְעֵשֶׂר (Deut. xxvi. 12). In this there are two peculiarities: (1) the elision of ה (for לְהֵעֶשֶׂר), and (2) the vowel ē (for ī). The former occurs elsewhere: Ex. xiii. 21, Num. v. 22, Deut. i. 33, and about 16 times besides (*e.g.* Is. iii. 8, xxiii. 11, xxix. 15, Jer. xxvii. 20, xxxvii. 12, xxxix. 7, Eccl. v. 5, Ps. xxvi. 7, lxxviii. 17, 2 Chron. xxxi. 10); and its occurrence in these later writings shews that it is not an archaism, and cannot prove anything about the date of Deuteronomy. See Gesen.-Kautzsch, § 53 *q*. The latter peculiarity recurs in Deut. xxxii. 8, Jer. xlv. 19, 25, Prov. xxv. 2 (Gesen.-Kautzsch, § 53 *k*), and three or four times besides (Stade, *Lehrb. d. Hebr. Spr.*, § 621 *a*). It occurs also, *combined* with the former, in Neh. x. 39 (בְּעֵשֶׂר) and

Dan. xi. 35 (לִלְבֹּן). That the only two complete parallels to the form in Deut. xxvi. 12 should be found in Nehemiah and Daniel surely disposes effectually of its claim to be regarded as an archaism.

קרא used for קרה in the sense of "to *meet*." The difference is merely one of orthography; but let us examine the facts. קרא (in various conjugations) occurs in this sense 8 times in the Pentateuch (2 being in Deuteronomy); but also in 2 Sam. i. 6 (where the two forms occur side by side) xviii. 9, xx. 1, Jer. xiii. 22, xxxii. 23, xlv. 23, Is. li. 19, Job iv. 14. The other form קרה occurs 12 times in the Pentateuch (1 being in Deuteronomy), and 10 times elsewhere. Is there anything in these facts to shew that קרא is really an older form than קרה? They are employed interchangeably in exactly the same context (Gen. xlii. 38 and xlv. 29; Ex. iii. 18 and v. 3).

The passive with את (as in Deut. xx. 8). This occurs in all periods of the language down to Jer. xxxv. 14, xxxviii. 4, l. 20, Ezek. xvi. 4, 5, Est. ii. 13. See Gesen.-Kautzsch, § 121 *a*, *b*.

*Keseb* for the more usual *kebes*, "lamb" (Deut. xiv. 4), occurs 12 times elsewhere in the Pentateuch; also the fem. *kisbāh* once. But the usual form *kebes* occurs more than 80 times in the Pentateuch, as well as the fem. *kibsāh* 5 times. The two forms were thus clearly in use at the same time (like *simlāh* and *salmāh*, "garment"); and it cannot be shewn that *keseb* is the more ancient of the two.

*Zākūr*, "male," Deut. xvi. 16 (from Ex. xxiii. 17 =

xxxiv. 23), and xx. 13. Elsewhere in the Pentateuch the usual form *zākār* is always found (more than 50 times). Why *zākūr* is used in these four passages we do not know. If it were really an archaism, it would naturally occur elsewhere in the Pentateuch, including P, if P were really ancient, and there is no independent reason for supposing that it is one.

These are all the grammatical forms and constructions which Alexander adduces.

Mr. Griffiths' third class consists of "*Hapaxlegomena*, which are usually abundant in an ancient language." In Driver's *Deuteronomy* (p. lxxxiv) thirty-eight noticeable words or expressions found only in Deuteronomy are given, excluding chaps. xxxii., xxxiii., *i.e.* rather more than one for each chapter. But in the five chapters of Lamentations, including two or three verbal forms, I have counted fifteen *hapaxlegomena*. They can be found in the latest books of the Old Testament. The argument is obviously worthless. It would prove that Ezekiel, Chronicles, and much besides of the Old Testament, were written in the Mosaic age.

His fifth species he names "pictorial expressions," and adds the statement that these archaisms (referring to *all the five species*) "abound in Deuteronomy and the rest of the Pentateuch," and are "unknown in other books of the Old Testament." Yet one of the pictorial expressions which he cites (xxix. 18) occurs among the references which are employed to prove that the prophet Amos was acquainted with Deuteronomy!

(see Amos vi. 12). And some of those which he mentions find close parallels elsewhere: "head and tail" (xxviii. 13 f.), *cf.* Is. ix. 14 [13] f., xix. 15; "as bees do" (i. 44), *cf.* Ps. cxviii. 12; "as a man chasteneth his son" (viii. 5), *cf.* Prov. iii. 12, xiii. 24, xix. 18; "as an eagle flieth" (of the attack of an enemy, xxviii. 49), *cf.* Hos. viii. 1, Jer. xlviii. 40, xlix. 22; "thou shalt become one that gropeth in the noonday as the blind gropeth" (xxviii. 29), *cf.* Job v. 14, xii. 25. Every student of literature knows that pictorial expressions are characteristic of poetry in all ages and countries, and are in no sense archaisms. Mr. Griffiths particularly mentions *comparisons* as distinctive of Deuteronomy. But these are found not only in poetry, but also in prose; *e.g.* Jud. xiv. 6, xv. 14, xvi. 9, 1 Sam. xxvi. 20, 2 Sam. ii. 18, xiv. 17, xvii. 8, 10, 1 Kings xiv. 10, 15, xxii. 17, 2 Kings xxi. 13, 1 Chron. xii. 8.

It is difficult to understand how any one as little acquainted with Hebrew as Mr. Griffiths appears to be, can hope to treat successfully questions of a linguistic character; not only so, but his study of the English Bible has evidently been too limited to entitle him to say what is "unknown" in it.

Deuteronomy, then, does not "abound in archaisms." Confronted with the facts the statement falls to the ground, and with it the confident appeal to the language of Deuteronomy as supporting its Mosaic authorship. But its style is different from that of the other books of the Pentateuch. Its distinctiveness consists partly in its use of words and expressions. The fol-



lowing are among the more noticeable;<sup>1</sup> and it will be observed how many there are which do not occur elsewhere in the Pentateuch.<sup>2</sup>

*Jehovah thy God* (231 times)—*our* (23), *your* (46).

The expression occurs, but with nothing like this frequency, in other books. Elsewhere in the Pentateuch it is found only in Ex. xv. 26, xx. 5, 7, 10, 12, xxiii. 19=xxxiv. 26, xxxiv. 24. The particular phrases "I am Jehovah your (their) God" and "I am Jehovah," which are characteristic of H (Lev. xvii.—xxvi.), are not found in Deuteronomy.

*All Israel* (13 times, 16 in Joshua). Ex. xviii. 25, Num. xvi. 34.\*

*Anakim*. i. 28, ii. 10, 21, ix. 2, Jos. xi. 21 f., xiv. 12, 15.\* Elsewhere "Anak."

*Abomination to Jehovah* (8 times; cf. xxiv. 4\*). Elsewhere only in Proverbs (10 times).

*All that thou puttest thy hand unto*. xii. 7, 18, xv. 10, xxiii. 20, xxviii. 8, 20.\* Not elsewhere in the Old Testament.

*All the days* (=always, or as long as) (10 times). Jos. iv. 24, Gen. xliii. 9, xliv. 32.\*

*All thy (his) days*. xii. 19, xxii. 19, 29, xxiii. 6.\*

*All the days of thy life* (4 times). Jos. i. 5, iv. 14. Cf. Deut. iv. 10, xii. 1, xxxi. 13. Elsewhere Gen. iii. 14, 17.\*

<sup>1</sup> An asterisk denotes that all the passages in the Pentateuch in which the expression is found are cited.

<sup>2</sup> Passages in the Deuteronomic parts of Joshua (see p. 37) are here included.

*All the peoples* (12 times). Jos. iv. 24. Elsewhere Jos. xxiv. 17 f. (E).\*

*(All) the words of this law* (9 times \*) ; cf. Jos. viii. 34. *Angry, to be* (Heb. *hith'annaph*), i. 37, iv. 21, ix. 8, 20.\* Elsewhere only 1 Kings xi. 9, 2 Kings xvii. 18.

*Brother* (of fellow-countryman, in the legislation) (27 times) ; not in the JE codes<sup>1</sup> ; cf. H, Lev. xix. 17, xxv. 25, 35 f., 39, 46 f.

*Choose, to* (of Divine election). iv. 37, vii. 6 f., x. 15, xiv. 2, xvii. 15, xviii. 5, xxi. 5.\*

*Cleave, to* (to Jehovah). iv. 4, x. 20, xi. 22, xiii. 4, xxx. 20, Jos. xxii. 5, xxiii. 8.\*

*Command*, in the formula *As (or that) Jehovah thy God hath commanded thee (us, &c.)* (15 times). Jos. x. 40.\*

*Which I command thee* (or *you*, often with *to-day*) (32 times). Elsewhere Ex. xxxiv. 11.\*

*Therefore I command thee*. xv. 11, 15, xix. 7, xxiv. 18, 22 (v. 15).\*

*The commandment* (collectively) (14 times). Jos. xxii. 3, 5. Elsewhere Ex. xxiv. 12.\*

*Day, as at this*.<sup>2</sup> ii. 30, iv. 20, 38, vi. 24, viii. 18, x. 15, xxix. 28. Elsewhere Gen. i. 20.\*

*Destroy, to* (Hebrew *hishmādh*) (19 times). Joshua 6 times). Elsewhere, Lev. xxvi. 30, Num. xxxiii. 52.\*

*Be destroyed* (Hebrew *nishmadh*) (8 times). Elsewhere Gen. xxxiv. 30.\*

<sup>1</sup> i.e. Ex. xii. 21-3, xiii. 1-13 (partly), xx.-xxiii., xxxiv. 17-26.

<sup>2</sup> The same Hebrew words have a different meaning in Gen. xxxix. 11, "about this time."

*Eye.* *Thine eye shall not pity.*<sup>1</sup> vii. 16, xiii. 8, xix. 13, 21, xxv. 12.\*

*Which thine eyes have seen (or shall see).* iv. 9, vii. 19, x. 21, xxviii. 34, 67, xxix. 3.\*

*Fear Jehovah, to* (with the substantival infinitive *l'yr'ah*) (9 times).\*

*Fruit of thy (the) ground* (10 times). Elsewhere only Gen. iv. 3,\* Jer. vii. 20, Ps. cv. 35.

*Fruit of thy womb (body).* vii. 13, xxviii. 4, 11, 18, 53, xxx. 9, Gen. xxx. 2.\* Cf. Lam. ii. 20, Ps. xxi. 10.

*Fruit of thy cattle.* xxviii. 4, 11, 51, xxx. 9.\*  
Not elsewhere in the Old Testament.

*Gates,*<sup>2</sup> *thy (your)*—

*Within thy gates* (19 times). Elsewhere Ex. xx. 10.\*

*All thy gates.* xii. 15, xvi. 18, xxviii. 52, 55.\*

*One of thy gates.* xv. 7, xvi. 5, xvii. 2, xviii. 6, xxiii. 16.\*

The gate as the place for administration of justice, xvii. 5, 8, xxi. 19, xxii. 15, 24, xxv. 7.\*

*Heart.* *With all your heart and with all your soul* (9 times). Jos. xxii. 5, xxiii. 14.\*

*Holy people, a.* vii. 6, xiv. 2, 21, xxvi. 19, xxviii. 9.  
The exact expression is not found elsewhere in

<sup>1</sup> The same Hebrew expression has a different meaning in Gen. xlv. 20, "regard not."

<sup>2</sup> i.e. "cities," a peculiar usage found in the Deuteronomic passage 1 Kings viii. 37 (=2 Chron. vi. 28), perhaps Jer. xiv. 2, and probably not elsewhere.

the Old Testament. Cf. "The holy people" (Is. lxii. 12); "a holy nation" (Ex. xix. 6).

*House of bondmen.* v. 6, vi. 12, vii. 8, viii. 14, xiii. 5, 10.

Elsewhere Ex. xiii. 3, 14, xx. 2, Jos. xxiv. 17 (E).\*

*Inherit, to cause to* (Hebrew *hinḥāl*). i. 38, iii. 28, xii. 10, xix. 3, xxi. 16, xxxi. 7 (xxxii. 8). Jos. i. 6.\*

*Innocent blood.* xix. 10, 13, xxi. 8 f., xxvii. 25 (R.V. "an innocent person").\* Occurs in no writing earlier than Deuteronomy.

*Knowest not, which thou (ye, they; sometimes thy fathers)* (10 times). Cf. xxxii. 17.\*

*Land, the (this, that) good* (9 times). Jos. xxiii. 13, 15. Cf. "A good land" (i. 25, Ex. iii. 8); "The land is good" (Num. xiv. 7 P).\*

*The land (possession, cities, gates, &c.) which Jehovah thy (our, &c.) God giveth (hath given) thee (us)* (33 times). Elsewhere Exod. xx. 12, Jos. i. 2, 11, 15, xviii. 3, xxiii. 13, 15 f.\*

*Law, this*<sup>1</sup> (15 times). Of a single regulation, Num. v. 30.\*

*This (the) book of the law*.<sup>1</sup> xxix. 21, xxx. 10, xxxi. 26. Jos. i. 8, viii. 34.\*

*The words of this law*<sup>1</sup> (9 times).\*

*Live, that thou mayest (ye may).* iv. 1, v. 33, viii. 1, xvi. 20, xxx. 6, 16, 19.\*

*Love* (of Jehovah for Israel). iv. 37, vii. 8, 13, x. 15, 18, xxiii. 5.\*

(Of Israel for Jehovah) (12 times). Jos. xxii. 5, xxiii. 11. Elsewhere Ex. xx. 6.\*

<sup>1</sup> i.e. the law embodied in Deuteronomy.

In seven of these twelve, and in the two passages in Joshua, "to love Jehovah" has the substantival infinitive *l'ahāvāh*, the expression being found nowhere else in the Old Testament. *Mayest not, thou (he)*; lit. "canst not" (9 times). *Cf. Gen. xliii. 32.\**

*Midst of the fire, out of the* (10 times). The exact expression is not found elsewhere in the Old Testament. *Cf. Ezek. i. 4.*

*Observe to do* (20 times). Jos. i. 7 f., xxii. 5. Elsewhere only 2 Kings xvii. 37, xxi. 8 (= 2 Chron. xxxiii. 8), 1 Chron. xxii. 13.

*Observe my (his) commandments (statutes, &c.)* (29 times). Jos. xxii. 2, 5. Elsewhere Gen. xxvi. 5, Ex. xx. 6, xvi. 28 (P), Lev. xxii. 31, xxvi. 3 (both H).

*Other gods, go after (or serve)* (20 times). Jos. xxiii. 16. *Cf. also* Deut. iv. 3, vii. 16, xii. 2, 30, xxxi. 18, 20. Elsewhere Jos. xxiv. 2 (E), *cf. vv. 15, 20.\**

*Place, the, which Jehovah shall choose to put His name there* (and similar phrases; see p. 27) (20 times). Jos. ix. 27.\*

*Possess it, to* (usually with *give, go in, go over*) (26 times). Jos. i. 11. Elsewhere only Gen. xv. 7 (R.V. "inherit"), Ezra ix. 11.

*To possess*<sup>1</sup> (*i.e.* dispossess) *peoples* (11 times).\*

*Possession* (Hebrew *y'russhāh*) (7 times). Jos. i. 15, xii. 6, 7.\*

<sup>1</sup> A different form of the Hebrew verb.

*Prolong your (thy, his) days.* iv. 26, 40, v. 33, xi. 9, xvii. 20, xxii. 7, xxx. 18, xxxii. 47.\*

*Put away (lit. consume) the evil from the midst of thee.* xiii. 5, xvii. 7, 12 (*from Israel*), xix. 19, xxi. 21, xxii. 21 f., 24, xxiv. 7.\* Elsewhere only Jud. xx. 13.

*Redeem* (Hebrew *pādhāh*,<sup>1</sup> of the deliverance from Egypt). vii. 8, ix. 26, xiii. 5, xv. 15, xxi. 8, xxiv. 18.\*

*Remember that thou wast a bondman in (the land of) Egypt.* v. 15, xv. 15, xvi. 12, xxiv. 18, 22.\*

*Set (i.e. deliver or give up) before* (11 times).\* Jos. x. 12. Elsewhere only Jos. xi. 6, Jud. xi. 9, 1 Kings viii. 46, Is. xli. 2.

*Sign(s) and wonder(s)* (9 times). Elsewhere Ex. vii. 3.\*

*Sojourner, the, the fatherless, and the widow* (sometimes with *the Levite*) (11 times).\* Cf. Ex. xxii. 21 f.

*Thou and thy son* (with other members of the household). v. 14, vi. 2, xii. 12, 18, xvi. 11, 14. Elsewhere Ex. xx. 10.\*

*Thou and thy household.* xii. 7, xiv. 26, xv. 16, 20, xxvi. 11. Elsewhere Gen. xlv. 11.\*

*Walk in his ways* (or *the way*, in a religious sense) (9 times). Jos. xxii. 5.\* Cf. Ex. xviii. 20.

*Well. That it may be well with thee* (8 times).\* Cf. Gen. xii. 13, xl. 14.

*For good to thee.* v. 33, vi. 24, x. 13, xix. 13.\*

*Work of thy hands* (with the verb "to bless"). ii. 7, xiv. 29, xvi. 15, xxiv. 19, xxviii. 12. Cf. xv. 10, xxx. 9.\*

<sup>1</sup> In Ex. vi. 6 (P), xv. 13 (Song) the word is *gā'al*.



The following remarks on the style of Deuteronomy are quoted from Dr. Driver's commentary (pp. lxxxv ff.). "Of course a tabulated list of idioms cannot adequately characterize the style of an author; there is an effect produced by the manner in which sentences are combined, and by the structure and rhythm of sentences, which defies tabulation, or even description, and which can only be properly appreciated by repeated perusal of the work in question. Those who have by this course familiarized themselves with the style of the Deuteronomic discourses will be conscious how greatly it differs from that of any other part of the Pentateuch—even the parenetic sections of JE,<sup>1</sup> which show a tendency to approach it, not exhibiting the *complete* Deuteronomic rhythm or expression." "The strong individuality of the author colours everything that he writes; and even a sentence borrowed from elsewhere assumes, by the new setting in which it is placed, a fresh character, and impresses the reader differently." "In Deuteronomy, a new style of flowing and impres-

<sup>1</sup> *e.g.* Gen. xxvi. 5, Ex. xiii. 3-16, xix. 3-6; parts of xx. 2-17 (the explanatory additions to the commandments), xxiii. 20-33, xxxiv. 10-26. There is nothing strange in the occurrence in these parenetic passages, once or twice each, of expressions which the Deuteronomist employs repeatedly (*e.g.* *to love* (with God as object); *other gods*; *that your days may be long* [or *to prolong days*]; *the ground which Jehovah thy God is giving thee*; *house of bondage*; *in thy gates*; *which I command thee this day*; *take heed to thyself, lest*; *mighty hand*). A later writer might naturally, while constructing his own style and phraseology, adopt certain features from a predecessor. But in the case of some of these expressions, especially those in the explanatory additions to the commandments, there are strong reasons for thinking that they were not imitated by the Deuteronomist, but introduced *from Deuteronomy* into Exodus.

sive *oratory* was introduced into Hebrew literature, by means of which the author strove to move and influence his readers. Hence (quite apart from the matter of his discourse) he differs from the most classical writers of historical narrative, by developing his thought into long and rolling periods, which have the effect of bearing the reader with them, and holding him enthralled by their oratorical power. The beauty and effectiveness of Deuteronomy are indeed chiefly due to the skill with which the author amplifies his thoughts, and casts them into well-balanced clauses, varied individually in expression and form, but all bound together by a sustained rhythmical flow." "The oratory of the prophets is frequently more ornate and diversified: in his command of a chaste, yet warm and persuasive eloquence, the author of Deuteronomy stands unique among the writers of the Old Testament."

## APPENDICES

### APPENDIX I

#### THE LITERARY RELATION OF DEUTERONOMY TO THE PRE-EXILIC PROPHETS

It was said at the close of Chapter II that Deuteronomy, as a literary product, is independent of the eighth century prophets; and that even if, in certain passages, a literary connexion could be shewn to exist, it would be very difficult, in any given instance, to maintain, apart from other *criteria*, that a prophet quoted from Deuteronomy and not vice-versa. The formidable list of sixty or more parallels with Amos, Hosea, Isaiah, and Micah which Mr. Griffiths employs (pp. 36 ff.) to shew that those prophets were acquainted with Deuteronomy, proves, on inspection, to be disappointing. He includes cases of the recurrence of a single word, the echo of a poetical thought or metaphor common to many Hebrew writings, opposition to image-worship, threats of punishment for sin, in which the parallel is to be found only in the thought and not in the language, denunciations of social wrongs which the prophets commonly condemned, and which do not

involve the priority of Deuteronomy ("unless," as Dr. Driver puts it, "it be supposed that the moral enlightenment possessed independently by the prophet was insufficient to teach him to condemn them"), expressions and ideas which mean one thing in the prophet quoted and something quite different in Deuteronomy, and so forth. He admits that his citations are not of equal evidential value, but they have not even the cumulative force which he claims for them. Unfortunately he gives only the bare references; and to readers who take these bare references on trust, without being at the pains to verify them, the array looks as convincing as it is dangerously misleading. Amos and Hosea, he says, are two witnesses whose evidence merits special attention. It will be useful, therefore, to have before us in full some of the parallels<sup>1</sup> which (he claims) indicate their knowledge of Deuteronomy. They will shew how insecure is the assumption of its Mosaic authorship if it needs such arguments to support it.

*Deuteronomy*

iii. 11. For only Og the king of Bashan remained of the remnant of the Rephaim; behold his bedstead was a bedstead of iron; is it not in Rabbah of the children of Ammon? Nine cubits was the length thereof, and four cubits the breadth of it, after the cubit of a man.

*Amos*

ii. 9. Yet destroyed I the Amorite before them, whose height was like the height of the cedars, and he was strong as the oaks; yet destroyed I his fruit from above, and his roots from beneath.

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<sup>1</sup> All the parallels in Amos are here given, and about half of those in Hosea.

*Deuteronomy*

viii. 2. And thou shalt remember all the way which Jehovah thy God hath led thee these forty years in the wilderness.

vii. 6. For thou art an holy people unto Jehovah thy God; Jehovah thy God hath chosen thee to be a peculiar people unto himself, above all peoples that are upon the face of the earth.

xiv. 28. At the end of every three years thou shalt bring forth all the tithe of thine increase in the same year, and shalt lay it up within thy gates.

xxviii. 15-42.

xxviii. 30. Thou shalt build an house, and shalt not dwell therein; thou shalt plant a vineyard, and shalt not use the fruit thereof.

*Amos*

ii. 10. And I brought you up out of the land of Egypt, and led you forty years in the wilderness.

iii. 2. You only have I known, of all the families of the earth; therefore I will visit upon you all your iniquities.

iv. 4. Come to Bethel, and transgress; to Gilgal and multiply transgression; and bring your sacrifices every morning, and your tithes every three days.

iv. 6-10.

v. 11. Ye have built houses of hewn stone, but ye shall not dwell in them; ye have planted pleasant vineyards, but ye shall not drink the wine thereof.<sup>1</sup>

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<sup>1</sup> Cf. the very similar threats in Mic. vi. 15, Zeph. i. 13, and the promises in Am. ix. 14, Is. lxxv. 21, Ezek. xxviii. 26. These threats and promises all move in the same circle of ideas: but how can it be shewn (except by *assuming* the priority of Deuteronomy, which has to be proved) that the imagery of (say) Am. v. 11 was suggested by Deut. xxviii. 30? The verbal resemblance between Deut. xxv. 13-16 and Mic. vi. 10, 11 (Griffiths, p. 37), is limited to two common Hebrew words, "ephah" and "weight": the *thought*, the disapproval of unjust weights, is expressed elsewhere (Lev. xix. 35 f., Am. viii. 5, Prov. xi. 1 (cf. xvi. 11), xx. 10, 23): how can it be *proved* that either Micah or Amos is dependent upon Deuteronomy?

*Deuteronomy*

xxxi. 21. And it shall come to pass, when many evils and troubles are come upon them, that this song shall testify before them as a witness; for it shall not be forgotten out of the mouths of their seed; for I know their imagination which they work [R.V. go about], even now, before I have brought them into the land which I swear.

xxix. 18. Lest there should be among you man, or woman, or family, or tribe, whose heart turneth away this day from the Lord our God, to go to serve the gods of those nations; lest there should be among you a root that beareth gall and wormwood.<sup>1</sup>

xi. 21. [*Not printed, since one or other of the references is obviously a misprint.*]<sup>2</sup>

*Amos*

v. 25. Did ye bring me sacrifices and offerings in the wilderness forty years, O house of Israel? v. 26. Yea, ye have borne Siccuth your king and Chiun your images, the star of your god, which ye made to yourselves.

vi. 12. Shall horses run upon the rocks? Will one plow [there] with oxen? that ye have turned judgment into gall, and the fruit of righteousness into wormwood.<sup>1</sup>

viii. 14.

<sup>1</sup> Gall (*rō'sh*) and wormwood (*la'anāh*), either together or singly, are frequent as metaphors for "bitterness": Jer. ix. 15, xxiii. 15; Lam. iii. 19; "gall"; Deut. xxxii. 32; Hos. x. 4; Jer. viii. 14; Lam. iii. 5; Ps. lxix. 21; Job xx. 16; "wormwood": Am. v. 7; Lam. iii. 15; Prov. v. 4. In the present case, Deuteronomy speaks of the bitter results of idolatry, Amos of the bitter oppressions practised in Israel.

<sup>2</sup> If Deut. ix. 21 is meant (as in Alexander, *Pulpit Comm.*, p. viii), the word "sin" as applied to an idol is the only point of contact between the two verses; and even this disappears when it is seen that the Hebrew word is *ḥatf'āth* in Deut., but *'ashmāh* in Amos!



*Deuteronomy*

xxviii. 65. And among these nations shalt thou find no ease, and there shall be no rest for the sole of thy foot; but Jehovah shall give thee there a trembling heart, and failing of eyes, and pining of soul.

ii. 23. And the Avvim which dwelt in the villages as far as Gaza, the Caphtorim, which came forth out of Caphtor, destroyed them, and dwelt in their stead.

xxx. 3. Then Jehovah thy God will turn thy captivity, and have compassion upon thee, and will return and gather thee from all the peoples, whither Jehovah thy God hath scattered thee.

5. And Jehovah thy God will bring thee into the land which thy fathers possessed, and thou shalt possess it; and he will do thee good, and multiply thee above thy fathers.

9. And Jehovah thy God will make thee plenteous in all the work of thy hand, in the fruit of thy body, and in the fruit of thy cattle, and in the fruit of thy ground, for good: for Jehovah will again rejoice over thee for good, as he rejoiced over thy fathers.

*Amos*

ix. 4. And though they go into captivity before their enemies, thence will I command the sword, and it shall slay them: and I will set mine eyes upon them for evil, and not for good.

ix. 7. Are ye not as the children of the Ethiopians unto me, O children of Israel? saith Jehovah. Have not I brought up Israel out of the land of Egypt, and the Philistines from Caphtor, and the Syrians from Kir?

ix. 14. And I will turn the captivity of my people Israel, and they shall build the waste cities, and inhabit them; and they shall plant vineyards, and drink the wine thereof; they shall also make gardens, and eat the fruit of them.

15. And I will plant them upon their land, and they shall no more be plucked up out of their land which I have given them, saith Jehovah thy God.

At the head of the list of passages in Hosea, Mr. Griffiths writes "Hos. iv. 4, which is intelligible only as a reference to Deut. xvii. 8-13." In this passage in Deuteronomy it is laid down that if any case arise which is too difficult for the local court to decide, it is to be referred to the court of appeal at the one sanctuary: "thou shalt come unto the priests the Levites, and unto the judge that shall be in those days." The present text of Hos. iv. 4 runs literally "Yet let no man strive, neither let any man reprove; and thy people are *as strivers of* [a unique and difficult participle] *a priest*." The latter clause is notoriously corrupt, and unintelligible with or without Deuteronomy, and has given rise to several attempts at emendation which entirely alter its meaning. But even if the rendering of the R.V. ("for thy people are as they that strive with the priest") could be extracted from it, it would not in the remotest degree make probable Hosea's dependence upon Deuteronomy.

#### *Deuteronomy*

viii. 18. But thou shalt remember Jehovah thy God, for he it is that giveth thee power to get wealth; that he may establish his covenant which he sware unto thy fathers, as at this day.

iv. 30. When thou art in tribulation, and all these things are come upon thee, in the latter days thou shalt return to Jehovah thy God, and hearken unto his voice.

#### *Hosea*

ii. 8. For she did not know that I gave her the corn, and the wine, and the oil, and multiplied unto her silver and gold, which they used for Baal.

iii. 5. Afterward shall the children of Israel return, and seek Jehovah their God, and David their king; and shall come with fear unto Jehovah and to his goodness in the latter days.

*Deuteronomy*

xxiii. 17. There shall be no harlot of the daughters of Israel, neither shall there be a sodomite of the sons of Israel.

18. Thou shalt not bring the hire of a whore, or the wages of a dog, into the house of Jehovah thy God for any vow ; for even both these are an abomination unto Jehovah thy God.

xxviii. 30, 38.

xvii. 2, xxviii. 49. If there be found in the midst of thee, within any of thy gates which Jehovah thy God giveth thee, man or woman, that doeth that which is evil in the sight of Jehovah thy God, in transgressing his covenant.

Jehovah shall bring a nation against thee from far, from the end of the earth, as the eagle flieth ; a nation whose tongue thou shalt not understand.

xxviii. 68. And Jehovah shall bring thee into Egypt again with ships, by the way whereof I said unto thee, Thou shalt see it no more again ; and there ye shall sell yourselves unto your enemies for bondmen and for bondwomen, and no man shall buy you.

*Hosea*

iv. 14. I will not punish your daughters when they commit whoredom, nor your brides when they commit adultery ; for they [the priests] themselves go apart with whores, and they sacrifice with the harlots ; and the people that doth not understand shall be overthrown.

vi. 15 [*a misprint*].

viii. 1. Set the trumpet to thy mouth. As an eagle [he cometh] against the house of Jehovah : because they have transgressed my covenant, and trespassed against my law.

viii. 13. . . . Now will he remember their iniquity, and visit their sins ; they shall return to Egypt.

ix. 3. They shall not dwell in Jehovah's land ; but Ephraim shall return to Egypt, and they shall eat unclean food in Assyria.

*Deuteronomy*

xxx. 29. For I know that after my death ye will utterly corrupt yourselves, and turn aside from the way which I have commanded you; and evil will befall you in the latter days; because ye will do that which is evil in the sight of Jehovah, to provoke him to anger through the work of your hands.

xxv. 4. Thou shalt not muzzle the ox when he treadeth out the corn.

xxxiii. 3. Yea he loveth<sup>2</sup> the peoples; all his saints are in thy hand; and they sat down at thy feet; every one shall receive of thy words.<sup>3</sup>

xxxii. 11. As an eagle that stirreth up her nest, that fluttereth over her young, he spread abroad his wings, he took them, he bare them on his pinions.

xvii. 16. Only he [the king] shall not multiply horses to himself, nor cause the people to return to Egypt, to the end that he should multiply horses: forasmuch as Jehovah hath said unto you, Ye shall henceforth return no more that way.

*Hosea*

ix. 9. They have deeply corrupted themselves,<sup>1</sup> as in the days of Gibeah; he will remember their iniquity, he will visit their sins.

x. 11. And Ephraim is an heifer that is taught, that loveth to tread out the corn.

xi. 1. When Israel was a child, then I loved<sup>2</sup> him, and called my son out of Egypt.

xi. 3. Yet I taught Ephraim to go; I took them on my arms; but they knew not that I healed them.

xi. 5. He [Ephraim] shall not return into the land of Egypt;<sup>4</sup> but the Assyrian shall be his king, because they refused to return.

<sup>1</sup> "Corrupt themselves" is the only point of contact. But the text of the sentence in Hosea is extremely doubtful; and in any case the incident referred to is quite unconnected with Deuteronomy.

<sup>2</sup> The Hebrew for "love" is *hābab* in Deuteronomy, but *'āhēb* in Hosea!

<sup>3</sup> The text of the passage is in many parts doubtful.

<sup>4</sup> The text is doubtful.

It is unnecessary to occupy more space with Mr. Griffiths' parallels. In many of them there is hardly any similarity at all. The remainder are of the same inconclusive kind. On all these, two remarks may be made. Is it really impossible for two writers to allude (*e.g.*) to the forty years in the wilderness, or to such well-known customs as the payment of tithes, or the treading out of the corn by oxen, without one being dependent on the other? And in other cases, if a thought or an expression is of such a kind that it may have been suggested to one writer by another, how (as has been said above) is it possible—except by assuming what has to be proved—to determine which of the two writers is the borrower? Among his parallels Mr. Griffiths refers twelve times to Deut. xxxii., which is shewn below (pp. 124–128) to belong, in all probability, to the latter half of the seventh century.

All the more clearly, by contrast with the eighth century prophets, appears the close affinity between Deuteronomy and Jeremiah, especially with the prose passages of the latter—an affinity which Mr. Griffiths recognises. “Even where the words are not actually the same, the thought, the oratorical form—the copious diction and the sustained periods—are frequently similar” (Driver). This was noticed by Colenso, who thought that Jeremiah may actually have been the author of Deuteronomy. But the differences between the two writings, which are no less significant than the similarities, preclude this possibility. Some of

these are given by Dr. Driver (*Deut.* p. xciv). The similarities, on the other hand, while they do not argue identity of authorship, suggest that the two writers may have belonged to about the same period, being influenced by the same circle of ideas, and that one of them allowed his thoughts to be coloured by the other. The almost universal opinion is that Jeremiah was influenced by Deuteronomy.

The following selected passages illustrate the recurrence in Jeremiah of Deuteronomic phrases or turns of expression.

*Deuteronomy*

iv. 10. To fear Him all the days.

vi. 24. To fear Jehovah our God for good unto us all the days.

iv. 20. And He brought you out of the furnace of iron, out of Egypt.

iv. 29. And (if) ye shall seek from thence Jehovah thy God, thou shalt find, when thou seekest Him with all thy heart and with all thy soul.

iv. 34. With signs and with portents and with war and with a strong hand and with an outstretched arm and with great terrors. *Cf.* xxvi. 8.

*Jeremiah*

xxxii. 39. To fear Him all the days for good unto them.

xi. 4. In the day that I brought them out of the land of Egypt, out of the furnace of iron.

xxix. 13. And (if) ye shall seek Me, ye shall find, when ye seek Me with all your heart.

xxxii. 21. With signs and with portents and with a strong hand and with an outstretched arm and with a great terror.



*Deuteronomy*

v. 33. In all the way that Jehovah your God commanded you shall ye go, that ye may live and it shall be well unto you.

v. 29 . . . that it may be well unto them.

viii. 19. And (if) thou shalt go after other gods and serve them and bow down to them.

x. 11. And let them enter and possess the land which I sware unto their fathers to give them.

xi. 28. To go after other gods which ye have not known.

xii. 2. Under every green tree.

xiii. 5 (6). He hath spoken rebellion (lit. turning aside) against Jehovah your God.

xv. 1, 12. [Manumission in the seventh year.]

xviii. 20. To speak a word in my name which I did not command him to speak.

*Jeremiah*

vii. 23. And ye shall go in all the way that I command you, that it may be well unto you.

xxv. 6. And go ye not after other gods to serve them and to bow down to them.

xxxii. 22 f. . . . This land which thou swarest unto their fathers to give them . . . and they entered and possessed it.

vii. 9. And go after other gods which ye have not known.

ii. 20, iii. 6, 13. Under every green tree.

xxviii. 16, xxix. 32. Thou hast (he hath) spoken rebellion (lit. turning aside) against Jehovah.

xxxiv. 9 f., 14. [The law is referred to with echoes of Deuteronomic language.]

xxix. 23. And they have spoken a word in my name falsely which I did not command them.

*Deuteronomy*

xxvi. 19. And to make thee high above all nations which He hath made, for a praise and for a name and for a glory.

xxviii. 25. And thou shalt become a terror to all the kingdoms of the earth.

xxviii. 26. And thy corpse(s) shall be for food for every bird of the heavens and for the beast of the earth, with none to scare (them) away.

xxviii. 36. Unto a nation which thou knowest not, thou nor thy fathers, and thou shalt serve there other gods, wood and stone.

xxviii. 49. Jehovah shall raise up against thee a nation from far, from the end of the earth, as an eagle flieth, a nation whose language thou understandest not.

xxviii. 53. And thou shalt eat the fruit of thy womb, the flesh of thy sons and of thy daughters which Jehovah thy God hath given thee; in the siege and in the straits wherewith thine enemy shall straiten thee.

*Jeremiah*

xiii. 11. To be unto me for a people, and for a name and for a praise and for a glory.  
*Cf.* xxxiii. 9.

xv. 4, xxiv. 9, xxix. 18. And I will make them a terror to all the kingdoms of the earth.  
*Cf.* xxxiv. 17.

vii. 33. And the corpse(s) of this people shall be for food for the bird of the heavens and for the beast of the earth, with none to scare (them) away.  
*Cf.* xvi. 4, xix. 7.

xvi. 13. Upon the land which ye know not, ye nor your fathers, and ye shall serve there other gods, day and night.

v. 15. Behold I am bringing against you a nation from afar . . . a nation whose language thou knowest not, and thou understandest not what it saith.

xix. 9. And I will cause them to eat the flesh of their sons and the flesh of their daughters . . . in the siege and in the straits wherewith their enemies shall straiten them, and they that seek their life.

*Deuteronomy*

xxviii. 63. And it shall be, as Jehovah joyed over you to do you good. *Cf.* xxx. 9.

xxix. 19 [18]. And it shall be . . . that he congratulate himself in his heart, saying, Peace shall be unto me, when I go in the stubbornness of my heart.

xxx. 15. See, I have set before thee this day life and good, death and evil.

*Jeremiah*

xxxii. 41. And I will joy over them to do them good.

xxiii. 17. They declare to them that despise Me, Jehovah hath said, Peace shall be unto them ; and every one that goeth in the stubbornness<sup>1</sup> of his heart, they declare to them, No evil shall come upon you.

xxi. 8. Behold, I am setting before you the way of life and the way of death.

One more of Mr. Griffiths' attempts to prove the early date of Deuteronomy may be mentioned. He goes behind the prophets, and tries to shew (pp. 58 ff.) that the Deuteronomic law was known in the times of Joshua and the Judges. As has been said on p. 37, Joshua was compiled by a Deuteronomic editor, who not only added religious comments, but idealized the history, relating the complete extermination of the Canaanites in obedience to the Mosaic law in Deuteronomy, in defiance of the earlier narrative (*e.g.* in Jud. i.), which speaks repeatedly of Canaanites who were *not* exterminated. Such passages, therefore, as Josh. i. 8, viii. 31, 34, "where the author speaks of a 'Book of the Law' which he affirms was bequeathed by

<sup>1</sup> Heb. *sherirūth*, occurs eight times in Jeremiah ; elsewhere (except Deut. xxix. 18) only Ps. lxxxi. 13.

Moses to Joshua," and passages which relate the destruction of the Canaanites as Jehovah, or Moses, commanded (Josh. x. 40, xi. 12, 15), shew that the editor of Joshua knew Deuteronomy, but not that the Deuteronomic law was known in the time of Joshua. The "devoting" (*i.e.* the utter destruction) of a town (*cf.* Num. xxi. 2, 3), or the looting of its contents, were common features of oriental warfare; so that Josh. vi. 17 f. (the devoting of Jericho) and viii. 27 (the looting of Ai) in no way prove that the narrator knew Deuteronomy. On the other hand the action of Joshua as regards the altar on Mt. Ebal (viii. 30-4) is a Deuteronomic description of obedience to Deuteronomic commands. Mr. Griffiths writes "Achan's disobedience is punished in accordance with Deut. xiii. 10, xvii. 5, because 'he had sinned against the Lord God of Israel.'" Every reader of the Bible knows that Achan's sin consisted in appropriating some of the spoil. But every reader might not realize, without verifying the references to Deuteronomy, that in each case the sin to be punished by stoning is not Achan's sin at all, but idolatry and nothing but idolatry! Again, in the taking down at sunset of the bodies of enemies that had been hanged (Josh. viii. 29, x. 26 f. JE), he sees an acquaintance with Deut. xxi. 23. The law in the latter passage, however, is concerned not with captive enemies, but with criminals who have "committed a sin worthy of death." But in any case, Deuteronomy (as has been said, pp. 56, 57) embodies many early laws and

customs; and the narratives of Joshua's actions contain nothing to indicate that they were *in obedience* to Deuteronomy.

In the book of Judges, Mr. Griffiths tells us, "the utter destruction of Zephath (i. 17) conforms to the requirements of Deut. vii. 2, xx. 16." The remark made above about the devoting of Jericho applies here; and Mr. Griffiths omits to mention the many instances in Jud. i. (*vv.* 19*b*, 21, 27–36) in which the Israelites *failed* to destroy natives and their towns. "In Judges vii. 1–7<sup>1</sup> Gideon's army is selected in keeping with the peculiar rule of Deut. xx. 1–9." In the latter passage a man was allowed to leave the army before a battle if he (1) had built a new house, (2) had just planted a vineyard, (3) had just married a wife, or (4) was afraid. The last was a precaution "lest his brethren's heart melt as his heart." In Judges only the 4th case is mentioned, and the reason is a different one—lest the Israelites should vaunt themselves at having conquered Midian by their own strength. The two passages have no connexion with one another, unless we may possibly suppose that the permission became a traditional custom owing to the narrative of Gideon's action, or had already become so, and that this custom was afterwards embodied in Deuteronomy as a law. "In Judges xxi. 13 peace is proclaimed to the children of Benjamin in perfect harmony with Deut. xx. 10–18." But in Deuteronomy peace is to be offered to a hostile city *before* the battle; and if the inhabitants submit,

<sup>1</sup> This should be vii. 3.

they are to be subjected to forced labour. In Judges, peace is proclaimed *after* 25,000 Benjamites have been killed (xx. 46) and only 600 remain; and these are not subjected to forced labour, but provided with wives! "The writer shews marked familiarity with Israel's journey from Egypt to Moab (*cf.* Judges xi. 13-28 with Deut. ii. 1 f.)." The stages mentioned in Judges are Egypt, the Red Sea, Kadesh, the circuit of Edom, the Eastern border of Moab, and the conquest of Sihon. Every one of these is related in JE (Exodus and Numbers<sup>1</sup>), and formed part of the well known traditions of Israel's past: of dependence upon Deuteronomy there is not a trace. "[The writer] assumes that Levi is the priestly tribe (Jud. xvii. 7 13, xx. 27 f.)." The former passage speaks of a Levite who was "of the family of *Judah*" (v. 7); he was, therefore, not a member of the *tribe* of Levi, but only one of a body of experts in priestly functions, who were known at that time as Levites. The latter passage does not mention the tribe of Levi; it speaks of "Phinehas, the son of Eleazar, the son of Aaron"; *cf.* Deut. x. 6, Josh. xxiv. 33, passages which, on independent grounds, must be assigned to E. Lastly, Mr. Griffiths states that when the writer records that God commanded Gideon and Manoah to offer sacrifice (Jud. vi. 25 ff., xiii. 16), he was "evidently conscious that the recognised place of worship was

<sup>1</sup> See Ex. xiii. 18, Num. xx. 1, 14-21, xxi. 4, 13, 21-4. The writer of the passage in Judges is dependent not on Deuteronomy but on JE, which he largely follows *verbatim*.



at Shiloh." Most readers of these passages would suppose rather that the writer was evidently unconscious of it. That the writer thought that God was commanding something which transgressed the Deuteronomic law of the one sanctuary, is not in the faintest degree hinted or implied.

## APPENDIX II

### A.—THE “SONG OF MOSES” (Deut. xxxii.)

THE song ascribed to Moses in ch. xxxii. contains hardly any points of contact with distinctively Deuteronomic phraseology. It has no affinity with the priestly writings, but much with Is. xl.-lxvi. and with the Wisdom literature. Cornill describes it well as a “compendium of the prophetic theology.”

(a) The *contents* are as follows. *Vv.* 1-4: An ascription of praise to Jehovah for His greatness, righteousness, and justice; *vv.* 5, 6: Rebuke to Israel for their corrupt perverseness in requiting evil to the God who had done so much for them; *vv.* 7-12: A retrospect of the days of old, when Jehovah assigned boundaries to the nations, and led and protected Israel in the desert; *vv.* 13, 14: He gave them luxurious wealth and plenty in Canaan; *vv.* 15-18: But Israel forsook Him, and provoked Him with idolatry; *vv.* 19-30: Accordingly God's wrath was kindled, and He thought to punish them with hunger, drought, wild beasts, the sword, and annihilation; and He would have done so had He not “feared the provocation of the enemy,” and the pride with which they would boast against Him; *vv.* 31-34: But the wickedness of their enemies is great; *vv.* 35-43: Therefore Jehovah will repent for

His people's sake, and with His mighty power He will smite the enemy, and "make expiation for His land, for His people."

(b) The *situation* pictured in the poem is one much later than the time of Moses. The Exodus is in the far past, in "the days of old," "many generations" ago; and the traditions of it had been handed down from father to son (v. 7). Israel had been long enough in Canaan to reach a state of advanced wealth and luxury (v. 15), and to fall into idolatry, worshipping new gods of whom they had learnt recently, and whom their fathers knew not (v. 17). God's intention to destroy them is also pictured as in the past ("And He said," &c., v. 20). But by a rapid transition the destruction at the hands of their enemies is suddenly changed to a hope of ultimate victory (vv. 35-43).

(c) The *date* is not so clear. The historical situation, considered by itself, might be that of the reign of Jeroboam II. Israel had been terribly reduced by the Aramæans (Syrians) during the dynasty of Omri, and their distresses had reached a climax under Jehu (2 Kings x. 32 f.) and Jehoahaz (xiii. 3 f., 7, 22). But at this point the tide began to turn under Jehoash (xiii. 5, 23), and Jeroboam II. brought the country to the height of prosperity (xiv. 25-28). But the didactic spirit and the literary characteristics of the poem suggest a later date. For the same reasons it can hardly be assigned to the period immediately prior to the fall of Samaria at the hands of the Assyrians (722 B.C.).

A more probable date is the latter half of the seventh century, the enemies being, in that case, the Chaldeans. A strong argument for a late date would be afforded by *v.* 8, if it were certain that the true reading were "sons of El" for "sons of Israel" (suggested by the LXX: "according to the number of the angels of God"). This reading expresses the thought of guardian angels as patrons of nations, a belief which is otherwise found only in Daniel (x. 13, 20 f., xii. 1), Ecclesiasticus (xvii. 17), and later writings.

The song contains words and expressions many of which are confined to late writings, and their evidence points to a date "in the age which possessed the prophetic vocabulary of Jeremiah, Ezekiel, and the Editors of the Books of the Kings."<sup>1</sup> The more striking of them are here given in the order in which they occur.<sup>2</sup> If their recurrence in the passages cited is due to reminiscence of *Deuteronomy* (which, in most cases, is far from clear), it is strange (on the assumption that the song was the work of Moses) that so many should be found only in late writings.

*Doctrine* (*leḳah*), *v.* 2. Is. xxix. 24, Job xi. 4, Prov. (6 times).

*Perverse*<sup>3</sup> (*ʾikkēsh*), *v.* 5. Ps. xviii. 26 (= 2 Sam. xxii. 27), ci. 4, Prov. (6 times).

<sup>1</sup> Carpenter-Battersby. *The Hexateuch*, i. 162 f.

<sup>2</sup> In every case all the passages or books in which the expression is found are cited.

<sup>3</sup> *i.e.* "crooked," following tortuous and questionable practices (not "perverse" in the modern sense of the word).

*Strange god*, v. 12. Mal. ii. 11, Ps. lxxxi. 9.

*Increase of the field* (*t'nūbhōth sādāi*), v. 13. Lam. iv. 9; cf. Ezek. xxxvi. 30.

*Strange one, stranger* (of a foreign god), v. 16. Jer. ii. 25, iii. 13, Is. xliii. 12, Ps. xliv. 20, lxxxi. 9.

*Abominations* (plur. = idolatries), v. 16. xviii. 9, 12, xx. 18, Jer., 1, 2 Kings, Lev. xviii. 26 f., 29, Ezek., Prov., Chron., Ezra.

*Demons*, v. 17. Ps. cvi. 37.

*Dreaded*, v. 17. Jer. ii. 12, Ezek. xxvii. 35, xxxii. 10. (Perhaps, however, in the song it is a unique word (to be explained from Arabic) denoting "knew.")

*Perverse* (*tahpukōth*, lit. perversions, *i.e.* of truth or right), v. 20. Prov. (9 times).

*Vanities*, plur. (false gods), v. 21. Jer. viii. 19, x. 8, xiv. 22, 1 Kings xvi. 13, 26, Jonah ii. 8, Ps. xxxi. 6. Cf., in the sing., Jer. x. 15 (=li. 18), xvi. 19.

*Devoured* (*lāham*), v. 24. Ps. cxli. 4, Prov. (4 times).

*Burning heat* (*resheph*), v. 24. Hab. iii. 5, Ps. lxxvi. 4, lxxviii. 48, Cant. viii. 6, Job v. 7.

*The day of their calamity*, v. 35. Jer. xviii. 17, xlv. 21, Obad. 13, Ps. xviii. 18 (=2 Sam. xxii. 19), Job xxi. 30, Prov. xxvii. 10; cf. Ezek. xxxv. 5. (The word 'ēd, "calamity," is found in no other books.)

*Shut up or left at large* (a proverbial expression meaning "all"), v. 36. 1 Kings xiv. 10, xxi. 21, 2 Kings ix. 8, xiv. 26.

*Lift up My hand* (i.e. "swear"), v. 40. Ezek. (9 times), Ex. vi. 8, Num. xiv. 30 (both P), Ps. cvi. 26.

*As I live*, v. 40. Jer., Zeph., Ezek. (frequently), Is. xlix. 18, Num. xiv. 28 (P). Elsewhere only Num. xiv. 21 (JE).

*Avenge the blood*, v. 43. 2 Kings ix. 7; cf. Ps. lxxix. 10.

#### B.—THE "BLESSING OF MOSES" (Deut. xxxiii.)

The "Blessing of Moses" presents even less contact with Deuteronomic language than chap. xxxii. The chapter consists of (a) a Title (v. 1) and a Prologue (vv. 2-5), (b) Ideal descriptions of the several tribes as enjoying the glories of theocratic privileges (vv. 6-25), (c) an Epilogue, describing the happiness and prosperity of Israel ("Jeshurun") in Canaan under the care of Jehovah.

The substance of the main portion (b) is briefly as follows: Reuben has become unimportant, and its numbers have dwindled (v. 6, "Let Reuben live and not die; but let his men be few"). Simeon is not mentioned,<sup>1</sup> which seems to imply that the tribe had disappeared altogether. Judah has become separated from the other tribes ("his people," v. 7). Levi is not rebuked as in Gen. xlix. 5 ff., but extolled as the priestly tribe, in possession of the Urim and Thummim, the ancient means of enquiring from God (vv. 8-11).

<sup>1</sup> At least in the present text. Some would introduce his name by means of an emendation in the first line of v. 7.



Benjamin possesses the sanctuary of Jehovah, in the safety of whose Presence he dwells (*v.* 12). Joseph (*i.e.* Ephraim and Manasseh) receive the warmest eulogy; the two tribes are strong and prosperous (*vv.* 13-17). Zebulun and Issachar possess a sanctuary (or sanctuaries) in their mountainous district, to which they invite other peoples, ? foreigners or Israelites (*vv.* 18, 19). In the case of Gad, Dan, Naphtali, and Asher, various characteristics of their territories are poetically described (*vv.* 20-25).

The date of *vv.* 6-25 is doubtful. Benjamin's possession of Jehovah's sanctuary implies that the Temple at Jerusalem has been already built. The separation of Judah from the other tribes (*v.* 7) might refer to their condition in the time of the Judges, when they were cut off from the others by Canaanite fortresses, and their history was independent. But, since the poem is later than Gen. xlix., which probably belongs to that period (see below), it is more likely that *v.* 7 points to a date after the disruption under Jeroboam I. The obscurity of *v.* 7b ("With his hands," &c.) forbids any decisive interpretation. The high praise accorded to Ephraim and Manasseh is thought to suggest the Northern Kingdom as the place of composition. Beyond these points there is little to guide us in fixing the date. Some hold that the poem was written shortly after the disruption; others prefer the successful reign of Jeroboam II., as accounting for the great prosperity which most of the tribes are pictured as enjoying.

The Prologue and the Epilogue are not necessarily of the same date as the central portion. Their subject-matter affords no historical indication; but they contain expressions which are otherwise confined to late writings, and which some critics, therefore, think suggest an exilic or later date. *E.g.* *v.* 2, "shined forth," Ps. 1. 2, lxxx. 1, xciv. 1, Job iii. 4, x. 3, 22, xxxvii. 15.† "Mount Paran," Hab. iii. 3 †; *v.* 4, "Inheritance" (*môṛāshāh*), Ex. vi. 8 (P), Ezek. xi. 15, xxv. 4, 10, xxxiii. 24, xxxvi. 2, 5 †; "Assembly" (*k<sup>h</sup>illāh*), Neh. v. 7 †; *v.* 5, "Jeshurun," Deut. xxxii. 15, Is. xlv. 2 †; *vv.* 26, 29, "Majesty" (*ga'vāh*, R.V. "excellency"), Ps. lxviii. 34 (of God), Is. xvi. 6 = Jer. xlvi. 29 (of Moab); *v.* 26, "skies" (*sh<sup>h</sup>akim*, "thin clouds"), Is. xlv. 8, Jer. li. 9, Job (5 times), Psalms (9 times, including Ps. xviii. 11 = 2 Sam. xxii. 12) †; *v.* 28, "Fountain of Jacob," *cf.* Ps. lxviii. 26 ("fountain of Israel") †; "alone" (*bādhādh*, adverbial accus., lit. "[in] isolation"), Deut. xxxii. 12, Jer. xv. 17, xlix. 31, Lam. i. 1, iii. 28, Lev. xiii. 46 †; *v.* 29, "Saved by Jehovah," Is. xlv. 17 †; "Submit themselves" (lit. "lie," *i.e.* render feigned obedience), Ps. xviii. 44 (= 2 Sam. xxii. 45), lxvi. 3, lxxxi. 15.†

The "Blessing of Moses" should be compared with the somewhat similar poem, the "Blessing of Jacob" in Gen. xlix. Dr. Driver (*Genesis*, pp. 379 f.) sums up as follows their difference in character: "As compared with Deut. xxxiii., it may be said to be pitched in a lower key: there is less buoyancy, less enthusiasm, the outlook is less bright, the nation as a whole (except, indeed, Judah, Deut. xxxiii. 7) seems less

prosperous; in particular, the *theocratic* position or privileges, whether of Israel at large or of individual tribes, which are celebrated with such warmth of feeling in Deut. xxxiii. (vv. 2-5, 8-10, 12, 19<sub>a,b</sub>, 21<sub>d,e</sub>, 26, 27, 29), are in Gen. xlix. hardly noticed at all: it is the *secular* relations of the tribes in which, all but exclusively, the poet is interested." He assigns the "Blessing of Jacob" to "the age of the Judges or a little later."

# INDEX

- AARON**, sons of, 29, 52, 72, 74,  
     82, 85  
**Abiathar**, 78  
**Aborigines**, 53  
**Achan**, 120  
**Adultery**, 21  
**Ai**, looting of, 120  
**Alexander** referred to, 92-94, 97,  
     110  
**Altars**, 34, 56, 58 f., 82  
**Amalekites**, 27  
**Ammon**, Ammonites, 27, 33  
**Amos**, 2, 17, 25, 31, 97, 107-11  
**Amulet**, 42  
**Anathoth**, 78  
**Angels**, guardian, 126  
**Animals**, kindness to, 24  
***Antelope addax***, 43  
**Apes**, 42  
**Appeal**, court of, 57  
**Archæological notes**, 9  
**Archaisms**, 90-98  
**Argob**, 10  
**Ark**, 16, 46, 50 f., 72  
**Asher**, 129  
***Asherah***, 32  
***Ashërim***, 56 n.  
**Assault**, 21 f.  
**Asylum**, 13, 21, 24  
**Athaliah**, 32  
**Avvim**, 10  
***Ayyâl***, 43  
  
**BAAL**, 32  
***Bāmôth***, 44  
**Bashan**, 10  
**Bastards**, 27  
**Bastinado**, 20  
**Battersby** referred to, 6, 126 n.  
  
**Battlements**, 24, 57  
**Beeroth**, 52  
**Beersheba**, 33, 44  
**Bene-jaakan**, 52  
**Benjamin**, 129  
**Benjamites**, 122 f.  
**Bestiality**, 22  
**Beth-peor**, 48 n.  
**Betrothal**, 21 n.  
**"Beyond Jordan"**, 48  
**Bezalel**, 50  
**Bless**, in God's name, 73  
**Blessings and curses**, 14 f.  
**"Blessings of Jacob"**, 130 f.  
**"Blessings of Moses"**, 16, 128  
**Blood**, on door-posts, 66; given to  
     God, 84  
**Blood-revenge**, 21, 24  
**Book found in temple**, 33 ff.  
**Book of the Covenant**, 47, 54, 60  
**Booths**, Festival of, 15, 23 f.  
**Böttcher** referred to, 94  
**Box** referred to, 6  
**Breast**, perquisite of priests, 84  
**Brotherly love**, 44  
**Bull**, golden, 50  
**Burn incense**, 72  
**Burney** referred to, 6 n.  
  
**CÆSAR**, 10  
**Caleb**, 79  
**Camp**, defilement of, 28  
**Canaanite**, 27, 32, 34, 37, 44 f., 60,  
     119 f.  
**Captive women**, 24  
**Carpenter and Battersby** referred  
     to, 6, 126 n.  
**Centralisation of worship**, 45  
**Chaldeans**, 4, 126

Chapman referred to, 6, 48, 55  
 Cheeks, two, perquisite of priests, 84  
 Clean animals, 42  
 Colenso referred to, 115  
 Commandments, the, 105  
 Comparisons not distinctive of Deuteronomy, 98  
 Compensations for injuries, 56  
 Conder referred to, 43  
 Contents of Deuteronomy, 12-16  
 "Contribution," 82 f.  
 Cornill referred to, 124  
 Covenant, 14, 26  
 Covenants, two, 47  
 Covetousness, 21  
 Creditor, 23, 63  
 Criticism, critics, 2, 8, 10  
 " " concessions to, 10, 53  
 Cruelty, 17  
 Curses, 14 f., 29  
 Custom, 17

D, 6  
 Dan, 129  
 Daniel, 41  
 David, 40, 59, 70 n.  
 Dead, food-offerings for, 42  
 Debir, 79  
 Debtors, 23, 63  
 Decalogue, 12, 14, 46 f., 54  
 Defilement, 27 f.  
*Deleth*, 64  
 Delitzsch referred to, 91 n., 92  
 Demons, 127  
 Development, 38 f.  
 Dillman referred to, 78, 83 n.  
*Dishōn*, 43  
 Divorce, 22  
 Door, door-post, 63 f., 66 f.  
 Driver referred to, 6, 42 n., 46, 49-53, 55 f., 69 n., 80, 84, 91 f., 97, 105 f., 108, 115 f., 130

E, 3, 6, 36, 122  
 Ebal, Mount, altar on, 120  
 Ecclesiastes, 41  
*Ed*, 127  
 Editorial work, 10 f., 36  
 Edom, circuit of, 49, 122  
 Edomites, 27, 44

Eggs may be taken, 24  
 Egypt, knowledge of, 41 f.  
 Egyptians, 27  
 Eighth century prophets, 2, 3, 19, 25 f., 31, 107  
 Elijah, 32, 59, 61, 70 n.  
 Elisha, 70 n.  
 Emim, 10  
*Encyclopædia Britannica* referred to, 42 n.  
 Enemies, consideration for, 24  
 Ephraim, 129  
 Equity, 20 f.  
 Ethics of Deuteronomy, 20-25  
 Eunuchs, 27  
 "Every," 59  
 Excavations, 32  
 Exodus, the, 26  
 Exposure of bodies, 28  
 Ezekiel, 19, 25, 28, 30, 54, 65 f., 72, 75 f.

FALSE witness, 21  
 Fat offered to God, 84  
 "Fathers' houses," 78  
 Festival of Unleavened Cakes, 54, 65 f.  
 " " of Weeks, 23 f.  
 " " of Booths, 15, 23 f.  
 Fire-offerings, 84, 93 n.  
 Firstborn, offering of, 54, 56  
 " " right of, 22  
 Firstfruits, 23, 80  
 Firstlings, 81-83  
 Food-offerings for dead, 42  
 Foreigners, 27 f., 65, 75  
 Fornication, 22  
 Forty stripes, 20  
 Fruit trees, 24

GAD, 129  
 Gall, 110  
 Gazelle, 42 f.  
 Geba, 33, 44  
 Generosity, 20  
*Gēr*, *gērīm*, 22, 62 n.  
 Gesenius-Kautzsch referred to, 59, 68 n., 91 n., 95 f.  
 Gezer, 79  
 Gideon, 58 f., 121 f.  
 Ginsburg referred to, 91

Green referred to, 59 f.  
 Griffiths referred to, 39-42, 45,  
     48, 50, 52 f., 62, 64, 66, 70, 73,  
     78 ff., 83 f., 90-93, 97 f., 107-15,  
     119-23  
 Gudgodah, 52  
  
 H, 5, 54 f., 57, 66, 99  
 Habakkuk, 40  
 Hapaxlegomena, 97  
 Hart, 42 f.  
 Hastings' *Dictionary* referred to,  
     55, 82 n.  
 Heave-offering, 82 f.  
 Heavenly bodies worshipped, 32,  
     34  
 Hebron, 79  
 Hereditary priesthood, 74  
 Hermon, 10  
 Hexateuch, 6  
 Hezekiah, 32, 45, 71 f.  
 High places, 34, 44, 77  
 Hilkiah, 33-35, 36 n.  
 Hired servant, 21, 65  
 Historical retrospects, 26  
 Holiness Code, 5, 55, 64  
 Homicide, 21, 24  
 Hor, Mount, 52 f.  
 Horeb, 14, 47  
 Hor-haggidgad, 52  
 Horites, 10  
 Hosea, 2, 17, 25 f., 29-31, 62, 107-9,  
     112-14  
 Humanitarianism, 24 f., 62  
  
 IDOLATRY, 27, 45  
 Images, 26  
 Incest, 22  
 Incontinence, 22  
 Individualism, 19, 30  
 Innocent blood, 20, 28  
 Inspiration, 2, 39  
 Integrity, 20 f.  
 Isaiah, 2, 18, 25, 31 f., 41  
 Issachar, 129  
 Itinerary of Israelites, 52  
  
 J, 3, 6  
 Jair, 10  
 JE, 4, 5, 7, 31, 37, 49, 54-56, 65,  
     67, 80 f., 85, 100, 105, 122, 128

Jealousy of Jehovah, 26  
 Jehoahaz, 125  
 Jehoash, 125  
 Jehoiaada, 32  
 Jehu, 32, 125  
 Jeremiah, 18, 30, 36, 40, 78, 115-  
     119  
 Jericho, devoting of, 120 f.  
 Jeroboam I., 74, 129  
     "    II., 125, 129  
 Jeshurun, 128  
 Job, 40  
 Jonah, 41  
 Joseph, 129  
 Josephus referred to, 81  
 Joshua, 15, 37, 119 f.  
 Josiah, 8, 33, 35 f., 44, 77  
 Jotbathah, 52  
 Jubilee, 65  
 Judah, 128-30  
 Judges, 20, 119  
 Justice, 20 f., 30  
  
 KADESH, 49 f., 122  
 Keil referred to, 83  
 Kindness, 20, 22-24, 30  
 King, law of, 27, 57  
 Knobel referred to, 83  
 Kuenen referred to, 6 n.  
  
 LANDMARK, 21, 53, 57  
 Law of the prophet, 57  
 Laws in Exodus, 11  
 Leaven, 56  
 Levi, tribe of, 28, 53, 57, 68 f., 74,  
     84 f., 122, 128  
 Levirate marriage, 22  
 Levite(s), commended to charity,  
     22 f.; maintenance of, 77-81;  
     meaning in Deuteronomy, 28,  
     67 n., 69, 112; inferior to priests,  
     29; status of, 67-77, 122  
 Levitical cities, 78 f.  
 Lintels, 67  
 Lost property, 21  
 Love, to God, 29, 30; to men, 30  
 LXX, 81, 91, 126  
  
 MAGIC, 33  
 Manasseh, 8, 32 f., 35, 45, 129  
 Manoah, 58 f., 122



Man-slayer, 13, 21  
 Man-stealing, 21  
 Manumission, 23, 62, 64  
 Maw, perquisite of priest, 84  
 Menial duties of Levites, 70, 76  
 Micah, 2, 18, 31, 107, 109 *n.*  
 Military service, 24  
 Moab, 47 ff., 122  
 Moabites, 27  
 Molech, 32, 34  
 Monotheism, 3, 17, 25, 45  
 Moserah, Moseroth, 52  
 Moses and Deut., 7 f., 10 f.;  
     " Blessing of," 16, 128; death  
     of, 16; " Song of," 15 f., 124  
 Murder, 21  
 Mutilation of hands, 22  
 Muzzled ox, 24, 42

NAHUM, 40  
 Naphtali, 129  
*Nebhēlah* = died a natural death,  
 27, 28, 62  
 Nehemiah, 63  
 Nestlings, 24  
 Northern Kingdom, 3, 61; fall of,  
 44

OFFICERS appointed, 20  
 Og's bedstead, 10  
 Omri, dynasty of, 125  
 One Sanctuary, 20, 23, 27, 44 f.,  
 58, 61, 63, 69, 80, 82, 112, 123  
 Oneness of Jehovah, 25 f.  
 Orphans, 22 f., 80  
 Orr referred to, 10, 58-61, 66 *n.*,  
 70, 72 f.

P, Priestly writings, 5-7, 51, 54,  
 55, 57, 65-67, 70-74, 79-82,  
 84 f., 97, 128  
 Paganism of Manasseh, 32 f.  
 Parenetic passages in JE, 37, 105  
 Parents, duty to, 22  
 Particularism, 19, 25  
 Passover, 34, 54, 65-67  
 Patrimony, 78  
 Peace-offerings, 84  
 Peacocks, 42  
 Peake referred to, 10  
 Peroration of Deuteronomic Code,  
 14

Perquisites of priests, 67 *n.*, 82, 84  
*Pethah*, 64  
 Philanthropy, 20  
 Phinehas, 70 *n.*, 122  
 Pictorial expressions, 97 f.  
 Pilgrimages, 65 f.  
 Pillars, 56  
 Pledges, 23  
 Plurality of altars, 58-62  
 Poor, kindness to, 22, 30  
 Priests. *See* Levites  
 Property, 21  
 Prophets of eighth century, 2, 3,  
 19, 25 f., 31, 107  
 Prostitutes, 34  
 Proverbs, 40  
 Purification of worship, 45  
 Pygarg, 43

RED Sea, 122  
 Redemption of tithes, 80  
 Reform, the Deuteronomic, 33  
 Rehoboam, 70 *n.*  
 Religious teaching of Deutero-  
 nomy, 25-31  
 Reuben, 128  
 Robertson Smith referred to, 6 *n.*,  
 27, 77  
 Robinson referred to, 48  
 Roebucks, 42 f.  
 Ruth, 41  
 Ryle referred to, 55

SABBATH, 23 f.  
 Samaria, fall of, 125  
 Sanctuaries, local, 4, 45, 63-66  
 Sanctuary, the one, 20, 23, 27, 44 f.,  
 58, 61, 63, 69, 80, 82, 112, 123  
 Saul, 70 *n.*  
 Seir, Mount, 49  
 Seventh year, 23  
 Sexual relations, 21  
 Slaves, 23 f., 62-65  
*Shēlāmim*, 84  
*Shema*, 25  
 Shiloh, 59, 123  
 Shoulder, perquisite of priests, 84  
 Sihon, 122  
 Simeon, 128  
 Social righteousness, 18, 25  
 Sojourners, 22 f., 28, 62, 80, 127  
 Solomon, 41 f., 59 ff., 70 *n.*, 80

- Solidarity of Israel, 18 f.  
 "Song of Moses," 124  
 Song of Songs, 41  
 Sorceries, 33 f.  
 Spies, 49  
 Stade referred to, 6 *n.*, 95  
 Stealing, 21  
 Steps to altar, 56  
 Strack referred to, 91 *n.*  
 Style of Deuteronomy, 31, 36 f.,  
     90, 98  
  
 TABERNACLE, 66, 69, 73  
 Tablets of stone, 46, 50 f.  
 Taboos, 28  
 Temple, 4, 18, 32 f., 35, 44 f., 61,  
     71, 129  
 Thank-offering, 84  
 Thigh, perquisite of priests, 84  
 Thummim, 128  
 Tithe, 23, 57, 80 f., 115  
 Tobit, 81  
 Transcendence of God, 26  
 Tristram referred to, 43  
 Tylor referred to, 42 *n.*  
  
 UNCLEAN animals, 27, 42  
 Uniqueness of Israel, 25 f.  
 Unjust weights, 109 *n.*  
 Unleavened Cakes, Festival of, 54,  
     65 f.  
 Urim, 128  
 Usury, 23  
  
 WAGES not to be withheld, 21  
 Weeks, Festival of, 23 f.  
 Weights, divers, 21  
 Wellhausen referred to, 6 *n.*,  
     78  
 Widows, 22 f., 80  
 Wiener referred to, 64, 78, 83  
 Witnesses, two required, 20  
 Wright referred to, 91  
  
*Yahmūr*, 43  
  
 ZADOK, sons of, 72 *n.*, 76  
 Zebulun, 129  
 Zechariah, 41  
 Zephaniah, 40  
 Zephath, destruction of, 121

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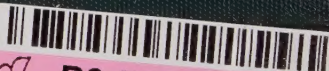
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